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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~576~~ 401.

THE LEAVENWORTH, LAWRENCE AND GALVESTON RAILROAD COMPANY, APPELLANT,

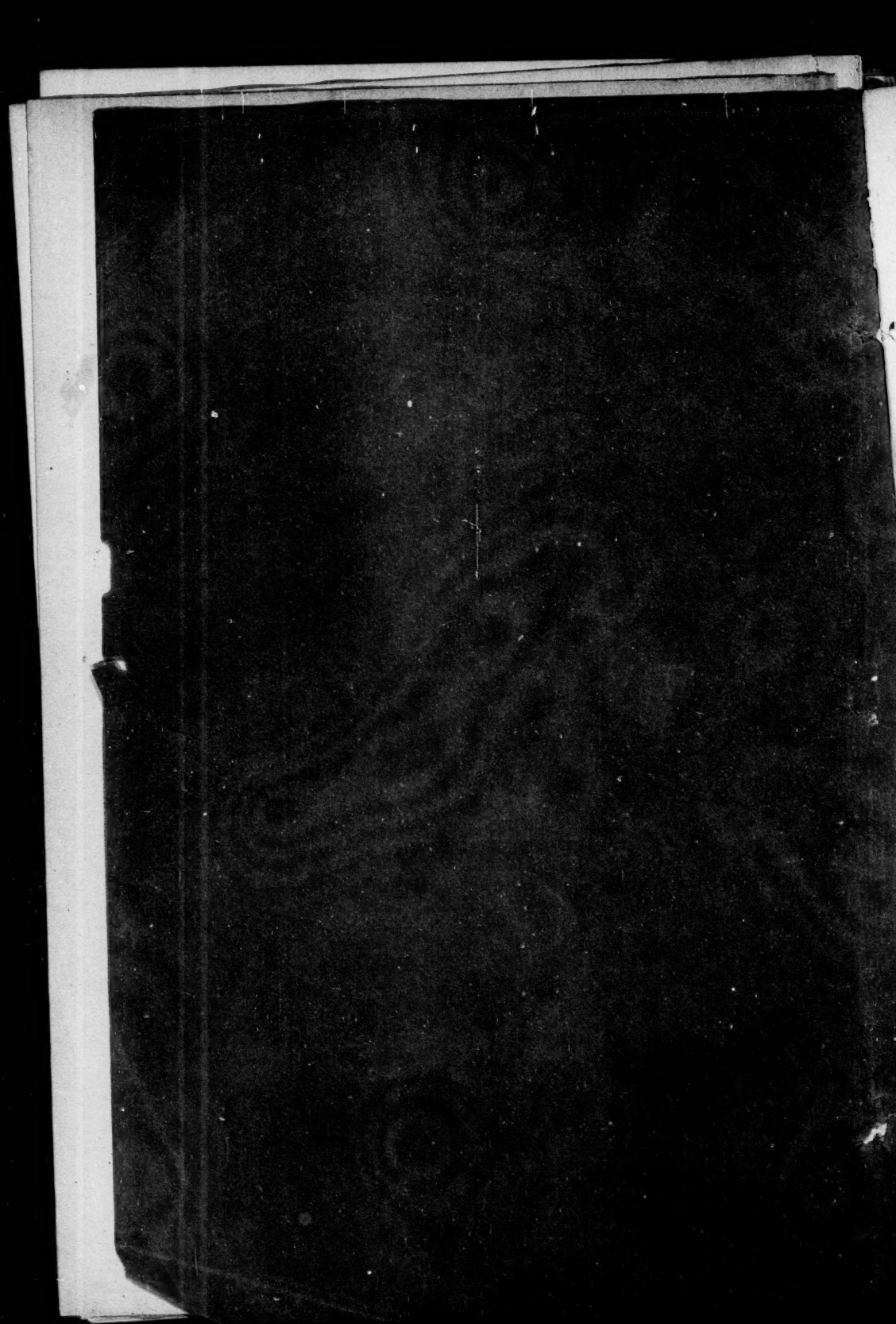
vs.

THE UNITED STATES.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF KANSAS.

FILED OCTOBER 19, 1874.

Statutes, 12-772
15 How 325
Affirmed



Page 46. Lawrence's Brief - 31, 2, 0

SUPREME COURT OF THE UNITED STATES.

No. 676.

THE LEAVENWORTH, LAWRENCE AND GALVESTON RAILROAD COMPANY, APPELLANT,

vs.

THE UNITED STATES.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF KANSAS.

INDEX.

	Original.	Print.
Bill of complaint	1	1
Exhibit A	13	6
B	57	21
C	101	36
D	109	39
E	117	41
Chancery subpœna	160	57
Acceptance of service	161	57
Appearance of defendant	162	57
Answer of Leavenworth, Lawrence and Galveston Railroad Company	162	58
Replication	173	63
Answer of Farmers' Loan and Trust Company	174	63
Replication to answer of Farmers' Loan and Trust Company	196	72
Deposition of John W. Scott	197	73
Stipulation	199	74
Case taken under advisement by court	201	75
Decree	201	76
Appeal bond	203	76
Judge Miller's opinion	205	77
Clerk's certificate	220	83

...roads herein named

1 In the circuit court of the United States for the district of Kansas, in equity.

THE UNITED STATES, COMPLAINANT,
vs.
LEAVENWORTH, LAWRENCE AND GALVESTON Railroad Company, defendant. } 965.

Be it remembered that, on the 25th day of February, A. D. 1874, the said complainant filed, in the clerk's office of said court, its bill of complaint, and Exhibits A, B, C, D, E, in the above-entitled case; which said bill of complaint, and exhibits thereto, and endorsements thereon, are in the words and figures following, to wit:

In the circuit court of the United States for the district of Kansas, 8th circuit.

To the judges of the circuit court of the United States for the district Kansas:

Your orator, the United States of America, brings this its bill against the Leavenworth, Lawrence and Galveston Railroad Company, a corporation organized under the laws of the State of Kansas, and a citizen of the State of Kansas; and thereupon your orator complains and alleges that, on and for a long time prior to the 3rd day of March, 1863, the Osage tribe or nation of Indians were the owners of, and were
2 in the exclusive possession and actual occupancy of, certain lands, (hereinafter described by metes and bounds,) and had so been the owners of, and in possession and actual occupancy of, the same since the proclamation of the treaty between your orator and the said Indians, Nov. 10th, 1808; which said ownership, possession, and occupancy was fully guaranteed to said Indians by the terms and stipulations of a treaty made and proclaimed between the same contracting parties, on the 29th of September, 1825; which last-mentioned treaty reserved said lands to and for said Indians so long as they might choose to occupy the same. The lands herein mentioned are bounded and described in said last-mentioned treaty as follows, to wit: "Beginning at the southeast corner of their present reservations, and running thence north, with the eastern boundary thereof, fifty miles to the northeast corner; thence west, with the northern line, thirty miles; thence south fifty miles to the southern boundary of their said reservation; thence east, with the southern boundary of the said reservation, to the place of beginning," containing nine hundred and sixty thousand acres of land, being the land now embraced in the counties of Neosho, Labette, and a part of the counties of Bourbon, Crawford, Allen, Wilson, and Montgomery, in the State of Kansas.

Your orator alleges that the said tribe or nation of Indians remained and continued in such possession and occupancy of said land until after the 21st day of January, A. D. 1867, when such possession and occupancy was surrendered to your orator, in trust for certain pur-
3 poses hereinafter mentioned.

And your orator further alleges that, on the 29th day of September, 1865, the said Indians, owning other lands besides those hereinbefore described, and having more than were then necessary for their occupation, and all payments to them under former treaties with your orator having ceased, made one other treaty with your orator; which said treaty by its terms was not to go into effect until its ratification

should be advised by the Senate of the United States and proclaimed by the President; which proclamation, after said ratification, took place on the 21st day of January, 1867; which said treaty is now subsisting, unchanged and unrepealed, between your orator and the said tribe or nation of Indians.

Your orator charges that, by the terms of the first article of the said treaty, your orator advanced to the said Indians the sum of three hundred thousand dollars; and the said Indians conveyed and ceded the said lands hereinbefore described to your orator in trust for the following purposes: Your orator was to survey and sell the said lands as the public lands of the United States are surveyed and sold, on the most advantageous terms, for cash; and out of the proceeds of such sale, it was and is provided, "after re-imbursing the United States the cost of said survey and sale, and the said sum of three hundred thousand dollars, placed to the credit of said Indians, the remaining proceeds of the sales shall be placed in the Treasury of the United States, to the credit of the civilization-fund, to be used, under the direction of the
4 Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States." And your orator took no other title to the said lands than the naked legal title clothed with the trust above specified. And your orator avers that Congress has, from time to time, appropriated money to pay the annual interest upon the said three hundred thousand dollars stipulated and agreed to be placed in the Treasury of the United States in the first article of the said treaty of September 29th, 1865, proclaimed January 21st, 1867.

Your orator further shows to the court and alleges that, in execution of the trust contained in said treaty, the Congress of the United States, on the 10th day of April, 1869, passed a joint resolution for directing the sale and disposition of said lands so described herein as aforesaid; that under the said joint resolution of Congress and under the regulations prescribed by the Secretary of the Interior, there were three hundred and fourteen thousand two hundred and twenty (314,220) acres of this land sold to actual and bona-fide settlers thereon; and the United States, through its officers of the Land-Office of the Interior Department of the Government, received therefor the sum of four hundred and fifty-four thousand and seventy-two and $\frac{10}{100}$ dollars, ($454,072.10.) And your orator charges and avers that the title to the remaining portion of the nine hundred and sixty thousand acres of land hereinbefore described still remains in the United States, subject to the said trust imposed upon it by the first article of the said treaty proclaimed
5 January 21st, 1867, by and between the United States and said tribe or nation of Indians.

But now, so it is, may it please your honors, that the said defendant, combining and confederating with divers persons at present unknown to your orator, whose names, when discovered, your orator prays it may be at liberty to insert herein, with apt words to charge them as parties defendants hereto, and contriving how to wrong and injure your orator in the premises, he, said defendant, denies your orator's interest and title, and the interest and title of the said Indians, in and to the land hereinbefore described, and denies the validity of the title of those persons who purchased of your orator a portion of said land under the joint resolution of Congress of April 10th, 1869. And the defendant sometimes pretends that, under a certain act of Congress approved March 3rd, 1863, and another act of Congress approved July the 24th, 1866, a large , if not all, of the said hereinbefore described land was granted to the State

of Kansas to aid in the construction of certain railroads in the said State, and that by virtue of the provisions of a certain act of the legislature of the State of Kansas, approved February 9, 1864, and by reason of certain patents, and certain certified lists of lands furnished by the Secretary of the Interior to the governor of the State of Kansas, hereinafter particularly described, the said defendant claims that it owns a large part of the land hereinbefore described, including the odd sections in lands disposed of as aforesaid under the said joint reso-
6 lution of Congress of April 10th, 1869; whereas your orator charges the contrary thereof to be the truth; that the said land hereinbefore described, and included in the first article of said last-mentioned treaty, is not included in any or either of said grants of land by Congress to the State of Kansas, but is expressly excluded from the operation of each of said grants; that the act which the defendant claims grants this land to the State of Kansas was passed March 3rd, 1863, and is entitled "An act for a grant of lands to the State of Kansas in alternate sections, to aid in the construction of certain railroads and telegraphs in said State." The defendant was then an existing corporation by the name of the Leavenworth, Lawrence and Ft. Gibson Railroad, but its name has been, since the passage of the said act, changed to the Leavenworth, Lawrence and Galveston Railroad Company.

And your orator avers that, among other things, the said grant was to aid in the construction of a railroad and telegraph from Leavenworth, via Lawrence, to the south line of the State, in the general direction of Galveston Bay, Texas, with a branch up the valley of the Wakarusa River; and your orator avers that no such railroad has been built either by this defendant or any other company; but, on the contrary, this defendant built a railroad from Lawrence to the south line of the State, in the general direction of the Rio Grande River, with a branch from the town of Ottawa, on said road to Kansas City, Missouri; that the said grant required the lines of road therein mentioned to be com-
7 pleted within ten years from the date of the said grant, which time has now elapsed.

Your orator further charges that, to enable the State of Kansas to comply with said grants, the Secretary of the Interior, on the 19th day of March, 1863, made an order withdrawing the lands from market along the line of said Leavenworth, Lawrence and Ft. Gibson Railroad, and notified the local land-offices of this fact. Said withdrawal embraced the odd sections for ten miles on each side of said road and branches, and extended from Leavenworth south to the north boundary of the then Osage lands hereinbefore described; that neither the State of Kansas or the defendant then made any claim to said Osage lands; and your orator charges that the line and route of the defendant's road was definitely fixed long before the 21st of January, 1867. And your orator alleges that, on the 26th day of July, 1866, Congress passed another act, granting lands to the State of Kansas to aid in the construction of the Union Pacific Railway, south branch, from Ft. Riley to the south line of the State, which was a corporation organized under the laws of the State of Kansas, and has since changed its name to the Missouri, Kansas and Texas Railway; that the said grant to the State to aid the construction of the said last-named road embraced the odd sections on each side of the line of said road for ten miles, with an indemnity-grant beyond this of ten miles more along the granted limits, but the selections of indemnity-land in the said grant was not confined to odd sections.

8 Your orator avers that both of the railroads herein named

have built lines of road to the south line of the State, which cross each other at or near the north boundary of the lands hereinbefore described, and run nearly parellel with each other through said last-named lands.

And your orator further charges that no part of the said lands granted by the act of March 3rd, 1863, to the State of Kansas, and by the act of February 9th, 1864, conditionally granted to defendant by the legislature of this State, was applied to the construction of the road of the said defendant by the State of Kansas in the manner provided by section 4 of the said act of March the 3rd, 1863, or in any other manner whatsoever; that the governor of the State of Kansas never certified that any section of twenty consecutive miles of said road was completed in a good, workmanlike, and substantial manner as a first-class railroad; that the governor of the said State never sold, or caused to be sold, a single acre of the said land embraced in the said grant of March 3d, 1863, and there was never the proceeds of the sale of a single acre of the last-mentioned land applied to aid in the construction of the said road of the said defendant; that the said governor never certified that the whole of said road and its branch had been completed, but the sole and only certificate made in respect to said road to the Secretary of the Interior by the said governor is in words and figures as follows, to wit:

"STATE OF KANSAS:

"EXECUTIVE OFFICE,
"*Topeka, Sept.*, 1871.

9 "I, James M. Harvey, governor of the State of Kansas, do hereby certify that the map or plat of the railroad of the Leavenworth, Lawrence and Galveston Railroad Company has been duly filed in my office by the said Leavenworth, Lawrence and Galveston Railroad Company, and shows that portion of said railroad commencing at Lawrence, Kansas, and ending at the south line of the State of Kansas, in the direction of Galveston Bay, in Texas, which has been completed and equipped as required by the act of Congress approved March 3, 1863, and the act of legislative assembly of the State of Kansas approved February 9, 1864, entitled 'An act to accept a grant of lands made to the State of Kansas by the Congress of the United States to aid in construction of certain railroads and telegraphs in said State, and to apply the same to the construction of said railroads and telegraphs,' granting lands to the said railroad company.

"In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Kansas.

"Done at the State capitol this 21st day of September, 1871.

[SEAL.] "JAMES M. HARVEY, *Governor.*"

And your orator further charges that, upon the receipt of said certificate made by the said governor, the Secretary of the Interior certified back to the governor of the State a list of all the odd sections of lands as shownby said map mentioned in the said certificate of the gov-
10 ernor within ten miles of the said line of railroad, and upon the receipt of the said certificate the said governor issued patents for said land to the defendant, a certified copy of which certificates and patents are hereto attached, marked Exhibits A, B, C, D, & E, respectively, and prayed to be taken and considered a part of this your orator's bill of complaint; that the said certificate of the said Secretary of the In-

terior and the said patents issued to the said defendant as aforesaid by the State of Kansas for lands within the limits of said tract described in the 1st article of the said treaty proclaimed 21st January, 1867, constitute a cloud on the legal title of your orator to said land, and are calculated to prevent and embarrass your orator from executing the trust set forth in said first article of said last-named treaty, and should be removed by the decree of this honorable court. And the Secretary of the Interior has decided that all the lands embraced in the said limits, which were purchased of your orator by said settlers under said joint resolution, belongs to the defendant, which comprises more than half of said lands so sold, and has cancelled the entries of the purchasers thereof, and refuses to issue patents to the purchasers of such land under the said joint resolution.

And your orator charges that the said certificate from the Secretary of the Interior, and the said patents herewith exhibited, are without authority of law, are null and void, and contrary to equity, and to the manifest wrong and injury of your orator.

11 In consideration whereof, and forasmuch as your orator can only have adequate relief in the premises in this honorable court, where matters of this nature are properly cognizable and relievable, your orator prays that this honorable court may order, adjudge, and decree that the legal title in and to the said land claimed as aforesaid, by the said defendant, and included within the limits of the said tract of land above described in the first article of the said treaty proclaimed January 21st, 1867, between the Osage tribe of Indians and your orator, is vested in your orator, and of right belongs to your orator, in trust for the uses and purposes specified in said first article of said treaty; and that said certificates from the said Secretary of the Interior, and the patents from the State of Kansas to the said defendant for a portion of said lands described in the said first article of said treaty, and marked Exhibits A, B, C, D, & E, respectively, be decreed to be null and void, and without authority of law; and that they constitute a cloud on the said legal title of your orator, and that the same be removed, and that the said defendant be perpetually enjoined from setting up any claim, either in law or equity, in or to any of said lands, situate and being within the boundaries of said Osage ceded lands, described, as aforesaid, in said first article of said treaty with the said Osage tribe of Indians; and that your orator may have such further and other relief in the premises as the nature of the circumstances of this case may require and to this honorable court may seem meet. And

12 may it please your honors to grant to your orator a writ of subpœna of the United States of America, issuing out of and under the seal of this honorable court, directed to the Leavenworth, Lawrence and Galveston Railroad Company, defendant, commanding it, on a day certain, therein to be named, and under a certain penalty, to be and appear in this honorable court, then and there to answer all and siugnlar the premises, and to stand to and perform and abide such further order, direction, and decree as may be made against it. And your orator, as in duty bound, will ever pray, &c.

GEO. R. PECK,
United States Attorney, District of Kansas,
Complainant's Solicitor.

WILSON SHANNON &
MCCOMAS & MCKEIGHAN,
Of Counsel.

13 EXHIBIT A.

The State of Kansas, to all whom these presents shall come, greeting:

Whereas the Leavenworth, Lawrence and Galveston Railroad Company, having constructed a railroad and telegraph line from the city of Lawrence to the southern line of this State in the direction of Galveston Bay, in the State of Texas, is entitled, under the provisions of the act of Congress approved March 3d, one thousand eight hundred and sixty-three, entitled "An act for a grant of lands to the State of Kansas in alternate sections, to aid in the construction of certain railroads and telegraphs in said State," and of the act of the legislature of the State of Kansas approved February 9th, one thousand eight hundred and sixty-four, entitled "An act to accept a grant of lands made to the State of Kansas by the Congress of the United States to aid in the construction of certain railroads and telegraphs in said State, and to apply the same to the construction of such roads andtelegraphs," to the following described tracts of lands as certified by the Commissioner of the General Land-Office and approved by the Secretary of the Interior, namely:

Lot eight, fifty-two $\frac{40}{100}$ acres; lot seven, fifty-two $\frac{59}{100}$ acres; lot six, fifty-two $\frac{78}{100}$ acres; lot five, fifty-two $\frac{97}{100}$ acres; the southwest quarter, one hundred and sixty acres, and the northwest quarter of the southeast quarter, forty acres, of section twenty-five: lot five, fifty-
14 one $\frac{45}{100}$ acres, in section twenty-seven: the east half of the northeast quarter, eighty acres, and the east half of the southeast quarter, eighty acres, of section thirty-five—all in township number twenty-six, range nineteen east.

The southeast quarter of the northwest quarter, forty acres; the southwest quarter, one hundred and sixty acres, the southeast quarter, one hundred and sixty acres, of section number one: the northeast quarter of the northeast quarter, forty acres, and the east half of the southeast quarter, eighty acres, of section number eleven: the northeast quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section number thirteen—all in township number twenty-seven, range nineteen east.

The east half of the northwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section number thirty-one, in township number twenty-six, range twenty east.

The south half of the northeast quarter, eighty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{87}{100}$ acres; lot two, thirty-five $\frac{86}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-five $\frac{91}{100}$ acres; lot four, thirty-five $\frac{96}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section number seven: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; the east half
15 of the northwest quarter, eighty acres; the east half of the southwest quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section number seventeen—all in township number twenty-seven, range twenty east.

The west half of the southeast quarter, eighty acres, and the northeast quarter of the southeast quarter, forty acres, of section number twenty-nine, in township twenty-nine, range seventeen east.

Lot one, thirty-nine $\frac{92}{100}$ acres; lot two, thirty-nine $\frac{96}{100}$ acres; lot three, thirty-nine $\frac{41}{100}$ acres; lot four, thirty-nine $\frac{3}{100}$ acres; the south half of the northeast quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section number five: the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred

and sixty acres, of section nine: the northeast quarter, one hundred and sixty acres; lot one, thirty-six $\frac{97}{100}$ acres; lot two, thirty-six $\frac{51}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section number seventeen: section number twenty-one, six hundred and forty acres; section number twenty-seven, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, thirty-four $\frac{93}{100}$ acres; lot two, thirty-four $\frac{39}{100}$ acres; and the southeast quarter, one hundred
16 and sixty acres, of section number twenty-nine: section thirty-three, six hundred and forty acres, and section number thirty-five, six hundred and forty acres—all in township thirty, range seventeen east.

The southwest quarter of the northeast quarter, forty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the west half of the southeast quarter, eighty acres, of section one; lot one, forty-one $\frac{54}{100}$ acres; lot two, forty-one $\frac{51}{100}$ acres; lot three, forty-one $\frac{47}{100}$ acres; lot four, forty-one $\frac{44}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the northwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section number three: lot one, forty $\frac{71}{100}$ acres; lot two, forty $\frac{47}{100}$ acres; lot three, fifty-six $\frac{20}{100}$ acres; lot four, fifty-six $\frac{82}{100}$ acres; lot five, fifty-six $\frac{11}{100}$ acres; lot six fifty-six $\frac{18}{100}$ acres; the south half of the northeast quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section number five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, fifty-five $\frac{21}{100}$ acres; lot two, fifty-five $\frac{15}{100}$ acres; lot three, fifty-five $\frac{09}{100}$ acres; lot
17 four, fifty five $\frac{03}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seventeen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; the north half of the northeast quarter, eighty acres; northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-five: section twenty-seven, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, fifty-four $\frac{42}{100}$ acres; lot two, fifty-four $\frac{07}{100}$ acres; lot three, fifty-three $\frac{70}{100}$ acres; lot four, fifty-three $\frac{37}{100}$ acres; and the southeast quarter of section twenty-nine, one hundred and sixty acres: section thirty-three, six hundred and forty acres; section thirty-five, six hundred and forty acres; all in township thirty-one, range seventeen east.

Lot one, forty $\frac{03}{100}$ acres; lot two, forty $\frac{11}{100}$ acres; lot three, forty $\frac{19}{100}$ acres; lot four, forty $\frac{27}{100}$ acres; the south half of the northeast quarter, eighty acres; south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section one: lot one, forty $\frac{25}{100}$ acres; lot two, forty $\frac{32}{100}$ acres; lot three, forty $\frac{32}{100}$ acres; lot five, forty $\frac{46}{100}$ acres; the south half of the northeast quarter, eighty acres; the south
18 half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: lot three, fifty-two $\frac{38}{100}$ acres; lot four, fifty-two acres; lot five, fifty-one $\frac{68}{100}$ acres; lot six, fifty-one $\frac{36}{100}$ acres; and the northeast quarter, one hundred and sixty acres, of section five: section nine, six hundred and forty acres: section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; northeast quarter, one hun-

dred and sixty acres; lot one, fifty $\frac{67}{100}$ acres; lot two, forty-nine $\frac{67}{100}$ acres; lot three, fifty-nine $\frac{92}{100}$ acres; lot four, fifty-eight $\frac{32}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seventeen: section twenty-one, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the west half of the southeast quarter, eighty acres, of section twenty-three: section twenty-five, six hundred and forty acres; northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; and the southwest quarter of the southwest quarter, forty acres, of section twenty-seven: the northeast quarter, one hundred and sixty acres; lot one, forty-seven $\frac{27}{100}$ acres; lot two, forty-seven $\frac{2}{100}$ acres;
19 lot three, forty-six $\frac{77}{100}$ acres; lot four, forty-six $\frac{52}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine: the north half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, of section thirty-three: and section thirty-five, six hundred and forty acres—all in township thirty-two, range seventeen east.

Lot one, forty $\frac{27}{100}$ acres; lot two, forty $\frac{07}{100}$ acres; lot three, forty $\frac{12}{100}$ acres; lot four, forty $\frac{17}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-nine $\frac{59}{100}$ acres; lot three, thirty-nine $\frac{55}{100}$ acres; south half of northeast quarter, eighty acres; south half of northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: lot one, thirty-nine $\frac{73}{100}$ acres; lot two, forty acres; the south half of the northeast quarter, eighty acres; lot three, forty-five $\frac{14}{100}$ acres; lot four, forty-four $\frac{67}{100}$; lot five, forty-four $\frac{37}{100}$ acres, and the northwest quarter of the southeast quarter, forty acres, of section five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres;
20 section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres, and the northwest quarter, one hundred and sixty acres, of section twenty-one: section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres, and section thirty-five, six hundred and forty acres—all in township thirty-three, range seventeen east.

Lot on', forty $\frac{02}{100}$ acres; lot two, forty $\frac{11}{100}$ acres; lot three, forty $\frac{12}{100}$ acres; lot four, forty $\frac{17}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, of section one: lot one, thirty-nine $\frac{59}{100}$ acres; lot three, thirty-nine $\frac{51}{100}$ acres; lot four, thirty-nine $\frac{47}{100}$ acres; lot two, thirty-nine $\frac{55}{100}$ acres; south half of the northeast quarter, eighty acres; south half of the northwest quarter, eighty acres; southwest quarter, one hundred and sixty acres : section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres—all in township thirty-four, range seventeen east.

Northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{49}{100}$ acres; lot two, thirty-five $\frac{10}{100}$ acres; east half of southwest quarter, eighty acres; lot three, thirty-five $\frac{39}{100}$ acres; lot four, thirty-five $\frac{39}{100}$ acres,
21 and the southeast quarter, one hundred and sixty acres, of section nineteen: the northwest quarter, one hundred and sixty

acres; the southwest quarter, one hundred and sixty acres, of section twenty-nine: the northeast quarter, one hundred and sixty acres; east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{96}{100}$ acres; lot two, thirty-six $\frac{19}{100}$ acres; the east half of the southeast quarter, eighty acres; lot three, thirty-six $\frac{23}{100}$ acres; lot four, thirty-six $\frac{30}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section thirty-one—all in township thirty-one, range eighteen east.

The east half of the southeast quarter, eighty acres, of section five: the east of the northwest quarter, eighty acres; lot one, thirty-six $\frac{54}{100}$ acres; lot two, thirty-six $\frac{62}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{71}{100}$ acres; lot four, thirty-six $\frac{79}{100}$ acres, of section seven: section nine, six hundred and forty acres; section fifteen, six hundred and forty acres; section seventeen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{07}{100}$ acres; lot two, thirty-seven $\frac{13}{100}$ acres; the east half of the northwest quarter, eighty acres; lot three, thirty-seven $\frac{19}{100}$ acres; lot four, thirty-seven $\frac{25}{100}$ acres, and the southeast quarter, one
22 hundred and sixty acres, of section nineteen: section twenty-one, six hundred and forty acres; the southwest quarter, one hundred and sixty acres; the southeast quarter, one hundred and sixty acres, of section twenty-three: the south half of the southwest quarter, eighty acres, and the south half of the southeast quarter, eighty acres, of section twenty-five: section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{19}{100}$ acres; lot two, thirty-seven $\frac{14}{100}$ acres; the east half of the northwest quarter, eighty acres; lot three, thirty-seven $\frac{09}{100}$ acres; lot four, thirty-seven $\frac{04}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section thirty-one: section thirty-three, six hundred and forty acres; section thirty-five, six hundred and forty acres—all in township thirty-two, range eighteen east.

Lot one, forty $\frac{04}{100}$ acres; lot two, forty $\frac{11}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three forty $\frac{18}{100}$ acres; lot four, forty $\frac{25}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter one hundred and sixty acres, of section one: lot one, forty $\frac{55}{100}$ acres; lot two, forty $\frac{58}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty $\frac{61}{100}$ acres; lot four,
23 forty $\frac{64}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: lot one, thirty-nine $\frac{62}{100}$ acres; lot two, thirty-nine $\frac{58}{100}$; the south-half of the northeast quarter, eighty acres; lot three thirty-nine $\frac{54}{100}$ acres; lot four, thirty-nine $\frac{50}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{66}{100}$ acres; lot two, thirty-seven $\frac{75}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-seven $\frac{84}{100}$ acres; lot four, thirty-seven $\frac{93}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; northwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred

and sixty acres, of section seventeen: the northeast quarter, one hundred and sixty acres; the east half of the northwest, eighty acres; lot one, thirty-eight $\frac{50}{100}$ acres; lot two, thirty-eight $\frac{56}{100}$ acres;
24 the east half of the southwest quarter, eighty acres; lot three, thirty-eight $\frac{61}{100}$ acres; lot four, thirty-eight $\frac{67}{100}$, acres, and the southeast quarter, one hundred and sixty acres of section nineteen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty-acres; section twenty-five six hundred and forty acres; section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{23}{100}$ acres; lot two, thirty-nine $\frac{29}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{35}{100}$ acres; lot four, thirty-nine $\frac{41}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section thirty-one: section thirty-three, six hundred and forty acres, and section thirty-five, six hundred and forty acres—all in township thirty-three, range eighteen east.

Lot one thirty-nine $\frac{98}{100}$ acres; lot two, thirty-nine $\frac{97}{100}$ acres; south half of the northeast quarter eighty acres; lot three, thirty-nine acres $\frac{95}{100}$; lot four thirty-nine $\frac{94}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty-acres, and the southeast quarter, one hundred and sixty acres of section one: lot one,
25 forty $\frac{10}{100}$ acres; lot two, thirty-nine $\frac{94}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{84}{100}$ acres; lot four, thirty-nine $\frac{71}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: lot one, thirty-nine $\frac{87}{100}$ acres; lot two, thirty-nine $\frac{97}{100}$ acres: south half of the northeast quarter, eighty acres; lot three, forty $\frac{07}{100}$ acres; lot four, forty $\frac{17}{100}$ acres; south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot two, thirty-nine, $\frac{61}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{54}{100}$ acres; lot four, thirty-nine $\frac{41}{100}$ acres; and the southeast quarter of section seven, one hundred and sixty acres: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section fourteen, six hundred and forty acres; section fifteen, six hundred and forty acres; section seventeen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty ; lot one, thirty-nine $\frac{56}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{54}{100}$ acres; lot
26 four, thirty-nine $\frac{51}{100}$ acres: and the southeast quarter, one hundred and sixty acres, of section nineteen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{07}{100}$ acres; lot two, twenty-nine $\frac{99}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{91}{100}$ acres; lot four, fifty-nine $\frac{83}{100}$ and the southeast quarter, one hundred and sixty acres, of section thirty-one: section thirty-three, six hundred and forty acres. and section thirty-five, six hundred and forty acres; all in township thirty-four, range eighteen east; lot one, thirty-one $\frac{57}{100}$ acres; lot two, thirty-one

$\frac{34}{100}$ acres; lot three, thirty-one $\frac{37}{100}$ acres; lot four, thirty-one $\frac{61}{100}$ acres, of section one: lot one, thirty-one $\frac{75}{100}$ acres; lot two, thirty-one $\frac{72}{100}$ acres; lot three, thirty-one $\frac{81}{100}$ acres; and lot four, thirty-one $\frac{84}{100}$ acres, of section three; lot one, thirty-two $\frac{01}{100}$ acres; lot two, thirty-two $\frac{41}{100}$ acres; lot three, thirty-two $\frac{07}{100}$ acres; lot four, thirty-two $\frac{10}{100}$ acres, of section five—all in township thirty-five, range eighteen east.

The north quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-six $\frac{82}{100}$ acres; lot
27 two, thirty-six $\frac{54}{100}$ acres; the east half of the southwest quarter eighty acres: lot three, thirty-six $\frac{82}{100}$ acres; lot four, thirty-seven $\frac{7}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section thirteen: the northwest quarter, one hundred and sixty acres; and the southwest quarter of section twenty-nine; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{57}{100}$ acres; lot two, thirty-seven $\frac{30}{100}$ acres, of section thirty-one—all in township twenty-seven, range twenty east.

The southeast quarter of the southwest quarter, forty acres, of section five, and the northwest quarter of the southwest quarter, forty acres, of section nine—all in township twenty-eight, range twenty east.

Lot five, forty-seven $\frac{73}{100}$ acres; lot six, forty-seven $\frac{68}{100}$ acres; lot seven, forty-seven $\frac{43}{100}$ acres; and lot eight, forty-seven $\frac{58}{100}$ acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-five; lot five, forty-eight $\frac{27}{100}$ acres; lot six, forty-eight $\frac{33}{100}$ acres; lot seven, forty-eight $\frac{39}{100}$ acres; lot eight, forty-eight $\frac{45}{100}$ acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-seven; lot five, forty eight $\frac{73}{100}$ acres; lot six,
28 forty-eight $\frac{79}{100}$ acres; lot seven, thirty-seven $\frac{23}{100}$ acres; lot eight, thirty $\frac{12}{100}$ acres; lot nine, thirty $\frac{04}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine: section thirty-three, six hundred and forty acres, and section thirty-five, six hundred and forty acres—all in township six, range seventeen east.

Lot one, thirty-nine $\frac{88}{100}$ acres; lot two, thirty-nine $\frac{63}{100}$ acres; lot three, thirty-nine $\frac{38}{100}$ acres; lot four, thirty-nine $\frac{13}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one; lot one, thirty-eight $\frac{58}{100}$ acres; lot two, thirty-eight $\frac{53}{100}$ acres; lot three, thirty-eight $\frac{48}{100}$ acres; lot four, thirty-eight $\frac{49}{100}$; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: lot one, thirty-nine $\frac{96}{100}$ acres; lot two, thirty-nine $\frac{97}{100}$ acres; lot three, twenty-nine $\frac{45}{100}$ acres; lot four, twenty-nine $\frac{32}{100}$ acres; lot five, fifty-eight $\frac{24}{100}$ acres; the south half of the northeast quarter, eighty acres; and the
29 southeast quarter, one hundred and sixty acres, of section five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, the west half of the southeast quarter, eighty acres, and the southeast quarter of the southeast quarter, forty acres, of section thirteen: the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section fifteen: the northeast quarter, one hundred and sixty acres; lot one, fifty-six $\frac{65}{100}$ acres; lot two, fifty-six

$\frac{35}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seventeen—all in township twenty-seven, range seventeen east.

Lot five, forty-eight $\frac{46}{100}$ acres; lot six, forty-eight $\frac{45}{100}$ acres; lot seven forty-eight $\frac{41}{100}$ acres; the east half of the southwest quarter, eighty acres; the southwest quarter of the southwest quarter, forty acres; and the southeast quarter one hundred and sixty acres, of section twenty-five: lot five, forty-eight $\frac{30}{100}$ acres; the southwest quarter of the southeast quarter, forty acres; lot eight, forty-eight $\frac{1}{100}$ acres, and the east half of the southeast quarter, eighty acres, of section twenty-seven: the
30 west half of the northeast quarter, eighty acres; the southeast quarter of the northeast quarter, forty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{40}{100}$ acres; lot two, thirty-five $\frac{41}{100}$ acres; lot three, forty-five $\frac{40}{100}$ acres; lot four, thirty-five $\frac{48}{100}$ acres; the east half of the southwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section thirty-one: the east half of the northeast quarter, eighty acres, of section thirty-three; the northeast quarter, one hundred and sixty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section thirty-five—all in township twenty-six, range eighteen east.

Lot one, forty-one $\frac{38}{100}$ acres; lot two, forty $\frac{97}{100}$ acres; lot three, forty $\frac{87}{100}$ acres; lot four, thirty-nine $\frac{87}{100}$ acres; the south half of the northeast quarter, eighty acres; the southeast quarter of the northwest quarter, forty acres; the east half of the southwest quarter, eighty acres; the southwest quarter of the southwest quarter, forty acres, and the southeast quarter, one hundred and sixty acres, of section one: the south half of the northeast quarter, eighty acres, of section three: lot two, forty-six $\frac{80}{100}$ acres; the southeast quarter of the northwest quarter, forty acres; lot six, twenty-one $\frac{10}{100}$ acres; and the southwest quarter of the southwest quarter, forty acres, of section five: the north-
31 east quarter, one hundred and sixty acres; lot one, thirty-six $\frac{3}{100}$ acres; lot two, thirty-six $\frac{33}{100}$ acres; lot three, thirty-six $\frac{36}{100}$ acres; lot four, thirty-six $\frac{38}{100}$ acres; the east half of the northwest quarter, eighty acres; the east half of the southwest quarter, eighty acres; the west half of the southeast quarter, eighty acres; the northeast quarter of the southeast quarter, forty acres, of section seven: the west half of the northeast quarter, eighty acres; the southeast quarter of the northeast quarter, forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section nine: section thirteen, six hundred and forty acres; the southwest quarter of the northeast quarter, forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section seventeen—all in township twenty-seven, range eighteen east.

Lot eight, fifty $\frac{88}{100}$ acres; lot seven, fifty-one $\frac{07}{100}$ acres; lot six, fifty one $\frac{26}{100}$ acres; the southwest quarter one hundred and sixty acres, and the southeast quarter one hundred and sixty acres of section twenty-seven: lot eight, forty-nine $\frac{36}{100}$ acres; lot seven, forty-nine $\frac{55}{100}$ acres; lot six, forty-seven $\frac{74}{100}$ acres; *lot six, forty-seven $\frac{74}{100}$ acres;* lot
32 five, forty-nine $\frac{73}{100}$ acres, the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres of sections twenty-nine: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-two $\frac{71}{100}$ acres; lot two, thirty-two $\frac{73}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-two $\frac{75}{100}$ acres;

lot four, thirty-two $\frac{77}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section twenty-one: section thirty-three, six hundred and forty acres: the west half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; the west half of the southeast quarter eighty acres, of section thirty-five—all in township thirty-six, range nineteen east.

Lot two, forty-two acres, of section one: lot one, forty-two $\frac{06}{100}$ acres; lot two, forty-one $\frac{97}{100}$ acres; the south half of the northeast quarter, eighty acres: lot three, forty-one $\frac{87}{100}$ acres; lot four, forty-one $\frac{78}{100}$ acres; the south half of the northwest quarter, eighty acres; the southeast quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter,
33 eighty acres; lot one, thirty-three $\frac{27}{100}$ acres; lot two, thirty-three $\frac{41}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-three $\frac{55}{100}$ acres; lot four, thirty-three $\frac{69}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section seven: the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section nine: the west half of the northeast quarter, and the east half of the northwest quarter, one hundred and sixty acres; the east half of the southwest quarter, eighty acres; the west half of the northwest quarter, eighty acres, of section eleven: the northwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section thirteen: the northwest quarter, one hundred and sixty acres; and the north half of the southwest quarter, eighty acres, of section fifteen: section seventeen, six hundred and forty acres—all in township twenty-seven, range nineteen east.

Lot one, thirty-five $\frac{30}{100}$ acres; the east half of the southeast quarter, eighty acres; lot three, thirty-five $\frac{45}{100}$ acres; lot four, thirty-five $\frac{55}{100}$ acres, of section twenty-one, township twenty-six, range twenty east.

Section twenty-one, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres,
34 of section twenty-three: section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, fifty-four $\frac{51}{100}$ acres; lot two, fifty-three $\frac{93}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section twenty-nine: section thirty-three, six hundred and forty acres; and section thirty-five, six hundred and forty acres—all in township twenty-seven, range seventeen east.

Lot one, thirty-nine $\frac{95}{100}$ acres; lot two, thirty-nine $\frac{87}{100}$ acres; lot three, thirty-nine $\frac{79}{100}$ acres; lot four, thirty-nine $\frac{14}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-nine $\frac{53}{100}$ acres; lot two, thirty-nine $\frac{63}{100}$ acres; lot three, thirty-nine $\frac{73}{100}$ acres; lot four, thirty-nine $\frac{83}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, section three: lot one, thirty-nine $\frac{68}{100}$ acres; lot two, thirty-nine $\frac{82}{100}$ acres; lot three, twenty-six $\frac{18}{100}$ acres; lot four, twenty-six $\frac{12}{100}$ acres; lot five, fifty-one $\frac{85}{100}$ acres; the south half of the northeast quarter,

35 eighty acres, and the southeast quarter, one hundred and sixty acres, of section five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, fifty $\frac{1}{100}$ acres; lot two, forty nine $\frac{78}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section seventeen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, forty-seven $\frac{82}{100}$ acres; lot two, forty-seven $\frac{38}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section thirty-three: *six hundred and forty acres;* and section thirty-five, six hundred and forty acres—all in township twenty eight, range seventeen east.

Lot one, forty $\frac{52}{100}$ acres; lot two, forty $\frac{09}{100}$ acres; lot three, forty $\frac{16}{100}$ acres; lot four, forty $\frac{23}{100}$ acres; the south half of the northwest quarter, eighty acres; the south half of the northeast quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: lot one, forty $\frac{30}{100}$ acres; lot two, forty $\frac{29}{100}$ acres; lot three, forty $\frac{28}{100}$ acres;
36 lot four, forty $\frac{27}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; the southeast quarter, one hundred and sixty acres, of section three: lot one, forty $\frac{19}{100}$ acres; lot two, forty $\frac{08}{100}$ acres; lot three, forty-five $\frac{76}{100}$ acres; lot four, forty-five $\frac{12}{100}$ acres; the south half of the northeast quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section fifteen: the northeast quarter, one hundred and sixty acres; lot one, forty-three $\frac{74}{100}$ acres; lot two, forty-three $\frac{22}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section seventeen: the northeast quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-one: the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, *and the southwest quarter, one hundred and sixty acres,* of section twenty-
37 three: the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the north half of the southwest quarter, eighty acres and the southeast quarter, one hundred and sixty acres, of section twenty-five: the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, of section twenty-seven: the south half of the northeast quarter, eighty acres; lot one, forty-one $\frac{49}{100}$ acres; lot two, forty $\frac{95}{100}$ acres, of section twenty-nine: the northeast quarter of the northeast quarter, forty acres; the south half of the northwest quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres and the southeast quarter, one hundred and sixty acres, of section thirty-three: the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section thirty-five—all in township twenty-nine, range seventeen east.

Lot one, forty $\frac{22}{100}$ acres; lot two, forty $\frac{30}{100}$ acres; lot three, forty $\frac{38}{100}$ acres; lot four, $\frac{46}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; one hundred and sixty acres of section three; the northeast quarter,
38 one hundred and sixty acres, and the northwest quarter, one hundred and sixty acres, of section nine: section eleven, six hundred and forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section thirteen: section fifteen, six hundred and forty acres; section twenty-three, six hundred and forty acres; and section twenty-five, six hundred and forty acres—all in township thirty, range seventeen east.

Lot one, forty-one $\frac{40}{100}$ acres; lot two, forty-one $\frac{44}{100}$ acres; lot three, forty-one $\frac{42}{100}$ acres; lot four, forty-one $\frac{40}{100}$ acres; the southeast quarter of the northeast quarter, forty acres; and the east half of the southeast quarter, eighty acres, of section one, in township thirty-one, range seventeen east.

The northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{06}{100}$ acres; lot two, thirty-seven $\frac{19}{100}$ acres; lot three, thirty-seven $\frac{39}{100}$ acres; lot four, thirty-seven $\frac{45}{100}$ acres; the east half of the southwest quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: the north half of the northwest quarter, eighty acres, and the south half of the southwest quarter, eighty acres, of section twenty-one; the east half of the southeast quarter, eighty acres,
39 of section twenty-three; the north half of the northeast quarter, eighty acres, and the northwest quarter, one hundred and sixty acres, of section twenty-five; the east half of the northwest quarter, eighty acres, and the west half of the southwest quarter, eighty acres, of section twenty-seven: section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{43}{100}$ acres; lot two, thirty-seven $\frac{81}{100}$ acres; lot three, thirty-seven $\frac{89}{100}$ acres; lot four, thirty-seven $\frac{97}{100}$ acres; the east half of the southwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section thirty-one; section thirty-three, six hundred and forty acres; the southwest quarter of the northwest quarter, forty acres; lot seven, fifty-four acres; the southwest quarter, one hundred and sixty acres, of section thirty-five—all in township twenty-seven, range eighteen east.

Lot three, forty $\frac{01}{100}$ acres; lot four, forty $\frac{01}{100}$ acres; the south half of the northwest quarter, eighty acres; the northeast quarter of the southeast quarter, forty acres, of section one: lot one, forty $\frac{48}{100}$ acres; lot two, forty $\frac{48}{100}$ acres; lot three, forty $\frac{47}{100}$ acres; lot four, forty $\frac{48}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres, of section three: lot one, forty
40 $\frac{76}{100}$ acres; lot two, forty $\frac{87}{100}$ acres; lot three, forty $\frac{50}{100}$ acres; lot four, forty $\frac{61}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-eight $\frac{76}{100}$ acres; lot two, thirty-eight $\frac{84}{100}$ acres; lot three, thirty-eight $\frac{92}{100}$ acres; lot four, thirty-nine acres; the east half of the southwest quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section seven: lot five, forty-one $\frac{20}{100}$ acres; lot six, twenty-one acres; lot seven, fifty-two $\frac{70}{100}$ acres; the

southwest quarter of the northwest quarter, (forty acres;) the southwest quarter, one hundred and sixty acres; and the west half and the southeast quarter of the southeast quarter, one hundred and twenty acres, of section eleven: the northwest quarter, one hundred and sixty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section thirteen: the south half of the northeast quarter, eigthy acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres;
41 and the southeast quarter, one hundred and sixty acres, of section seventeen: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{61}{100}$ acres; lot two, thirty-nine $\frac{72}{110}$ acres; lot three, thirty-nine $\frac{83}{100}$ acres; lot four, thirty-nine $\frac{94}{100}$ acres; the east half of the southwest quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; the west half of the northwest quarter, eighty acres; and the west half of the southwest quarter, eighty acres, of section twenty-five: section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{66}{100}$ acres; lot two, forty $\frac{39}{100}$ acres: lot three, forty $\frac{31}{100}$ acres; lot four, forty $\frac{24}{100}$ acres; the east half of the southwest quarter, eighty acres; the southeast quarter, one hundred and sixty acres, of section thirty-one: the northwest quarter of the northeast quarter, forty acres; the northeast quarter of the northwest quarter, forty acres; the west half of the southwest quarter, eighty acres; the southeast quarter of the southwest quarter, forty acres; and the southwest quarter of the southeast
42 quarter, forty acres, of section thirty-three: the southeast quarter of the northeast quarter, forty acres; and the southwest quarter, one hundred and sixty acres, of section thirty-five—all in township twenty-eight, range eighteen east.

Lot one, thirty-nine $\frac{96}{100}$ acres; lot two, thirty-nine $\frac{88}{100}$ acres; the south half of the northeast quarter, eighty acres; lot four, thirty-nine $\frac{72}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-nine $\frac{51}{100}$ acres; lot two, thirty-nine $\frac{53}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{55}{100}$ acres; lot four, thirty-nine $\frac{50}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: the south half of the northeast quarter, eighty acres; the southeast quarter of the northwest quarter, forty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section five; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{19}{100}$ acres; lot two, forty $\frac{22}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three
43 forty $\frac{25}{100}$ acres; lot four, forty $\frac{28}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section eleven: section thirteen, six hundred and forty acres; section fifteen, six hun-

dred and forty acres; section seventeen, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{09}{100}$ acres; lot two, forty $\frac{07}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, forty $\frac{05}{100}$ acres; lot four, forty $\frac{03}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section nineteen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{54}{100}$ acres; lot two, thirty-nine $\frac{42}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section thirty-one: sec-
44 tion thirty-three, six-hundred and forty acres, and section thirty-five, six hundred and forty acres—all in township twenty-nine, range eighteen east.

Lot one, forty $\frac{02}{100}$ acres; lot two, forty $\frac{02}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty $\frac{12}{100}$ acres; lot four, forty $\frac{02}{100}$ acres; the south half of the northwest quarter, eighty acres; southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-nine $\frac{16}{100}$ acres; lot two, thirty-nine $\frac{70}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{81}{100}$ acres; lot four, thirty-nine $\frac{82}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: lot one, forty $\frac{28}{100}$ acres; lot two, forty $\frac{25}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty $\frac{22}{100}$ acres; lot four, forty $\frac{19}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the south west quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{61}{100}$
45 acres; lot two, thirty-nine $\frac{63}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{63}{100}$ acres; lot four, thirty-nine $\frac{67}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, of section eleven: section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; section seventeen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{94}{100}$ acres; lot two, thirty-nine $\frac{99}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, forty $\frac{02}{100}$ acres; lot four, forty $\frac{04}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: the northeast quarter, one hundred and sixty-acres; the northwest quarter, one hundred and sixty acres; and the southwest quarter, one hundred and sixty acres, of section twenty-one: section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot
46 one, forty $\frac{25}{100}$ acres; lot two, forty $\frac{18}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, forty $\frac{11}{100}$ acres; lot four, forty $\frac{04}{100}$ acres; and the southeast quarter, one hundred and sixty

acres, of section thirty-one: the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section thirty-three: the northeast quarter, one hundred and sixty ; the northwest quarter, one hundred and sixty acres; and the southwest quarter, one hundred and sixty acres, of section thirty-five—all in township thirty, range eighteen east.

Lot one, forty-one $\frac{20}{100}$ acres; lot two, forty-one $\frac{35}{100}$ acres; the south half of the northeast quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: lot one, forty-one $\frac{40}{100}$ acres; lot two, forty-one $\frac{45}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty-one $\frac{42}{100}$ acres; lot four, forty-one $\frac{39}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: lot one, forty-one $\frac{82}{100}$ acres; lot two, forty-one $\frac{86}{100}$ acres; the south half of the northeast quarter,
47 eighty acres; lot three, forty-one $\frac{90}{100}$ acres; lot four, forty-one $\frac{94}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{11}{100}$ acres; lot two, thirty-five $\frac{13}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-five $\frac{13}{100}$ acres; lot four, thirty-five $\frac{17}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; section seventeen, six hundred : the northeast quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-one: section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres: north half of northeast quarter, eighty acres, and the southwest quarter, one hundred and sixty acres, of section thirty-three: and section thirty-five, six hundred and forty acres—all in township thirty-one, range eighteen east.

48 Lot one, thirty-nine $\frac{99}{100}$ acres; lot two, thirty-nine $\frac{99}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{99}{100}$ acres; lot four, thirty-nine $\frac{99}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section one: lot one, forty $\frac{22}{100}$ acres; lot two, forty $\frac{29}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty $\frac{26}{100}$ acres; lot four, forty $\frac{23}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres, of section twenty-three; the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; the north half of the southwest quarter, eighty acres, and the north half of the southeast quarter, eighty acres, of section twenty-five—all in township thirty-two, range eighteen east.

The northeast quarter, one hundred and sixty acres; the east
49 half of the northwest quarter, eighty acres; lot one, thirty-four $\frac{32}{100}$

acres; lot two, thirty-four $\frac{40}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-four $\frac{65}{100}$ acres; lot five, thirty-four, $\frac{81}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nine: the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; the west half and the southeast quarter of the southeast quarter, one hundred and twenty acres, of section twenty-one: section twenty-three, six hundred and forty acres; the east half of the northeast quarter, eighty acres; the south half of the southwest quarter, eighty acres; the west half of the southeast quarter, eighty acres, of section twenty-five; the northeast quarter, one hundred and sixty acres; the east half and the southwest quarter of the northwest quarter, one hundred and twenty acres; the east half and the northwest quarter of the southwest quarter, one hundred and twenty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-seven: the southeast quarter of the northeast quarter, forty acres; the nothwest quarter one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty
50 acres, of section twenty-nine; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{25}{100}$ acres; lot two, thirty-five $\frac{46}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-five $\frac{67}{100}$ acres; lot four, thirty-five $\frac{88}{100}$ acres, of section twenty-one; the east half of the southeast quarter, eighty acres, of section thirty-three; the south half of the southwest quarter, eighty acres; and the south half of the southeast quarter, eighty acres, of section thirty-five—all in township twenty-seven, range nineteen east.

Lot one, forty $\frac{06}{100}$ acres; lot two, forty $\frac{18}{100}$ acres; the south half of the northeast quarter, eighty acres, of section one: lot three, forty $\frac{35}{100}$ acres; lot four, forty $\frac{25}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: lot two, forty $\frac{08}{100}$ acres; the south half of the northeast quarter, eighty acres; the west half and the northeast quarter of the southwest quarter, one hundred and twenty acres, of section five; lot seven, fifty-three $\frac{20}{100}$ acres; lot eight, fifty $\frac{90}{100}$ acres; lot nine, thirty-six $\frac{65}{100}$ acres; lot ten, thirty-six $\frac{59}{100}$ acres; the east half of the southwest quarter,
51 eighty acres; the west half and the southeast quarter of the southeast quarter, one hundred and twenty acres, of section seven; the west half of the southwest quarter, eighty acres, of section eleven; the east half and the southwest quarter of the southeast quarter, one hundred and twenty acres, of section thirteen; the northeast quarter, one hundred and sixty acres; the west half of the southeast quarter, eighty acres, of section fifteen: the northeast quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section seventeen; the west half the northeast quarter, eighty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{22}{100}$ acres; lot two, thirty-seven $\frac{24}{100}$ acres; lot three, thirty-seven $\frac{22}{100}$ acres; lot four, thirty-seven $\frac{28}{100}$ acres, of section nineteen: the southwest quarter of the northwest quarter, forty acres, and the south half of the southwest quarter, eighty acres, of section twenty-one: the west half and the southeast quarter of the southwest quarter, one hundred and twenty acres; and the southwest quarter of the southeast quarter, forty acres, of section twenty-five: the northwest quarter of the northwest quarter, forty acres, of section

52 twenty-seven: the northeast quarter, one hundred and sixty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine: the east half of the northwest quarter, eighty acres; lot one, thirty-six $\frac{62}{100}$ acres; lot two, thirty-six $\frac{47}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{32}{100}$ acres; lot four, thirty-six $\frac{17}{100}$ acres; the southeast quarter, one hundred and sixty acres, of section thirty-one: the west half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; the south half of the southeast quarter, eighty acres, of section thirty-three: lot one, twenty-seven $\frac{20}{100}$ acres; lot two, fifty-six $\frac{20}{100}$ acres; the southwest quarter of the southwest quarter, forty acres, of section thirty-five—all in township twenty-eight, range nineteen east.

The south half of the southwest quarter, eighty acres, of section one; lot one, thirty-nine $\frac{35}{100}$ acres; lot two, thirty-nine $\frac{37}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{39}{100}$ acres; lot four, thirty-nine $\frac{41}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, and hundred and sixty acres, and the southeast quarter, one hundred and sixty
53 acres, of section three: lot three, thirty-nine $\frac{50}{100}$ acres; lot four, thirty-nine $\frac{59}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; the southeast quarter one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty ; lot one, thirty-six $\frac{45}{100}$ acres; lot two, thirty-six $\frac{55}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{65}{100}$ acres; the east half of the southwest quarter, eighty acres; lot four, thirty-six $\frac{75}{100}$ acres; the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres; the southeast quarter, one hundred and sixty acres, of section thirteen: the north half of the northeast quarter, eighty acres; the southwest quarter, one hundred and sixty acres; the south half of the southeast quarter, eighty acres, of section fifteen: section seventeen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-six $\frac{88}{100}$ acres; lot two, thirty-seven $\frac{04}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-seven $\frac{20}{100}$ acres; lot four, thirty-seven $\frac{36}{100}$ acres; the southeast quarter, one hundred and sixty acres, of section nineteen: the northeast quarter, one hun-
54 dred and sixty acres, and the northwest quarter, one hundred and sixty acres, of section twenty-one—all in township twenty-nine, range nineteen east.

Now, know ye that the State of Kansas, in consideration of the premises, and in conformity with said laws, has given and granted, and by these presents does give and grant, unto the Leavenworth, Lawrence and Galveston Railroad Company, and assigns, the said tracts above described; to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing under the provisions of the laws relating thereto.

In testimony whereof I, James M. Harvey, governor of the State of Kansas, have caused these letters to be made patent and the seal of the State to be hereunto affixed.

Given under my hand, at the city of Topeka, the eighth day of April, in the year of our Lord one thousand eight hundred and seventy-two,

and of the Independence of the United States the ninety-sixth, and of the twelfth year of the State.

By the governor:

JAMES M. HARVEY.

[SEAL.] W. H. SMALLWOOD,
Secretary of State.

55 STATE OF KANSAS,
Neosho County, ss:

I, Robert F. Kenerly, register of deeds in and for Neosho County, State of Kansas, do hereby certify that the above and foregoing is a true and correct copy of the record of a patent filed in this office for record on the 27th day of June, A. D. 1872, as the same appears of record in my office. Witness my hand and official seal this 14th day of February, 1874.

[SEAL.] ROBERT F. KENNERLEY,
Register of Deeds.

56

57 EXHIBIT B.

Copy of patent from the State of Kansas to Leavenworth, Lawrence and Galveston Railroad Company.

58 The State of Kansas to all to whom these presents shall come, greeting:

Whereas the Leavenworth, Lawrence and Galveston Railroad Company having constructed a railroad and telegraph line from the city of Lawrence to the southern line of this State, in the direction of Galveston Bay, in the State of Texas, is entitled, under the provisions of the act of Congress approved March 3d, one thousand eight hundred and sixty-three, entitled "An act for a grant of lands to the State of Kansas in alternate sections to aid in the construction of certain railroad and telegraph in said State," and the act of the legislature of the State of Kansas approved February 9th, one thousand eight hundred and sixty-four, entitled "An act to accept a grant of lands made to the State of Kansas by the Congress of the United States to aid in the construction of c'rtain railroads and telegraphs in said State," to apply the same to the construction of such roads and telegraphs, to the following-described tracts of land as certified by the Commissioners of the General Land-Office and approved by the Secretary of the Interior, namely:

Lot eight, fifty-two $\frac{40}{100}$ acres; lot seven, fifty-two $\frac{59}{100}$; lot six, fifty-two $\frac{78}{100}$; lot five, fifty-two $\frac{97}{100}$; the southwest quarter, one hundred and sixty acres, and the northwest quarter of the southeast
59 quarter, forty acres, of section twenty-five: lot five, fifty-one $\frac{45}{100}$ acres, in section twenty-seven: the east half of the northeast quarter, eighty acres, and the east half of the southeast quarter, eighty acres, of section thirty-five—all in township number twenty-six, range nineteen east.

The southeast quarter of the northwest quarter, forty acres; the southwest quarter, one hundred and sixty acres; the southeast quarter, one hundred and sixty acres, of section number one: the northeast quarter of the northeast quarter, forty acres, and the east half of the southeast quarter, eighty acres, of section number eleven: the northeast quarter, one hundred and sixty acres, and the southeast quarter, one hundred

and sixty acres, of section number thirteen—all in township number twenty-seven, range nineteen east.

The east half of the northwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section number thirty-one, in township number twenty-six, range twenty east.

The south half of the northeast quarter, eighty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{81}{100}$ acres; lot two, thirty-five $\frac{86}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-five $\frac{91}{100}$ acres; lot four, thirty five $\frac{96}{100}$ acres; and the southeast quarter, one hundred and sixty acres,
60 of section number seven; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; the east half of the southwest quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section number seventeen—all in township number thirty-seven, range twenty east.

The west half of the southeast quarter, eighty acres, and the northeast quarter of the southeast quarter, forty acres, of section number twenty-nine, in township twenty-nine, range seventeen east.

Lot one, thirty-nine $\frac{92}{100}$ acres; lot two, thirty-nine $\frac{96}{100}$ acres; lot three, thirty-nine $\frac{41}{100}$ acres; lot four, thirty-nine $\frac{05}{100}$ acres; the south half of the northeast quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section number five: the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section nine: the northeast quarter, one hundred and sixty acres; lot one, thirty-six $\frac{97}{100}$ acres; lot two, thirty-six $\frac{51}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section number seventeen: section number twenty-one, six hundred and forty acres; section number twenty-seven, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot
61 one, thirty-four $\frac{93}{100}$ acres; lot two, thirty-four $\frac{39}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section number twenty-nine: section thirty-three, six hundred and forty acres, and section number thirty-five, six hundred and forty acres—all in township thirty, range seventeen east.

The southwest quarter of the northeast quarter, forty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the west half of the southeast quarter, eighty acres, of section one: lot one, forty-one $\frac{54}{100}$ acres; lot two, forty-one $\frac{57}{100}$ acres; lot three, forty-one $\frac{47}{100}$ acres; lot four, forty-one $\frac{44}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section number three: lot one, forty $\frac{71}{100}$ acres; lot two, forty $\frac{47}{100}$ acres; lot three, fifty-six $\frac{20}{100}$ acres; lot four, fifty-six $\frac{04}{100}$ acres; lot five, fifty-six $\frac{11}{100}$ acres; lot six, fifty-six $\frac{18}{100}$ acres; the south half of the northeast quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section number five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres;
62 section fifteen, six hundred and forty acres; the northeast quarter, one hundred and forty acres; lot one, fifty-five $\frac{21}{100}$ acres; lot two, fifty-five $\frac{15}{100}$ acres; lot three, fifty-five $\frac{09}{100}$ acres; lot four, fifty-five $\frac{03}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seventeen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; the north half of the northeast quarter, eighty acres; the northwest quarter, one hundred

and sixty acres; the southwest quarter *quarter*, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-five: section twenty-seven, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, fifty-four $\frac{42}{100}$ acres; lot two, fifty-four $\frac{07}{100}$ acres; lot three, fifty-three $\frac{72}{100}$ acres; lot four, fifty-three $\frac{37}{100}$ acres, and the southeast quarter of section twenty-nine, one hundred and sixty acres: section thirty-three, six hundred and forty acres; section thirty-five, six hundred and forty acres—all in township thirty-one, range seventeen east; lot one, forty $\frac{03}{100}$ acres; lot two, forty $\frac{11}{100}$ acres; lot three, forty $\frac{19}{100}$ acres; lot four, $\frac{27}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres,
63 of section one: lot one, forty $\frac{25}{100}$ acres; lot two, forty $\frac{32}{100}$ acres; lot three, forty $\frac{39}{100}$ acres; lot four, forty $\frac{46}{100}$ acres; the south half of the northeast quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: lot three, fifty-two $\frac{38}{100}$ acres; lot four, fifty-two acres; lot five, fifty-one $\frac{68}{100}$ acres; lot six, fifty-one $\frac{36}{100}$ acres; and the southeast quarter one, hundred and sixty acres, of section five: section nine, six hundred and fifty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, fifty $\frac{02}{100}$ acres; lot two, forty-nine $\frac{67}{100}$ acres; lot three, forty-nine $\frac{32}{100}$ acres; lot four, forty-eight $\frac{97}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section seventeen: section twenty-one, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; the southweast quarter, one hundred and sixty acres; and the west half of the northeast quarter, eighty acres, of section twenty-three: section twenty-five, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the northwest
64 quarter, one hundred and sixty acres; and the southwest quarter of the southwest quarter, forty acres, of section twenty-seven: the northeast quarter, one hundred and sixty acres; lot one, forty-seven $\frac{27}{100}$ acres; lot two, forty-seven $\frac{03}{100}$ acres; lot three, forty-six $\frac{77}{100}$ acres; lot four, forty-six $\frac{52}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine; the north half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section thirty-three; and section thirty-five, six hundred and forty acres—all in township thirty-five, range seventeen east.

Lot one, forty $\frac{12}{100}$ acres; lot two, forty $\frac{07}{100}$ acres; lot three, forty $\frac{12}{100}$ acres; lot four, forty $\frac{17}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-nine $\frac{59}{100}$ acres; lot three, thirty-nine $\frac{51}{100}$ acres; lot four, thirty-nine $\frac{47}{100}$ acres; lot two, thirty-nine $\frac{55}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of
65 section three: lot one, thirty-nine $\frac{73}{100}$ acres; lot two, forty acres; the south half of the northeast quarter, eighty acres; lot three, forty-five $\frac{04}{100}$ acres; lot four, forty-four $\frac{67}{100}$ acres; lot five, forty-four $\frac{37}{100}$ acres; and the northwest quarter of the southeast quarter, forty acres, of section

five; section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres, and the northwest quarter, one hundred and sixty acres, of section twenty-one: section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres, and section thirty-five, six hundred and forty acres—all in township thirty-three, range seventeen east; lot one, forty $\frac{07}{100}$ acres; lot two, forty $\frac{07}{100}$ acres; lot three, forty $\frac{12}{100}$ acres; lot four, forty $\frac{17}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres—all in township thirty-four, range seventeen east. Northeast quarter, one hundred and sixty acres; the east half of the
66 northwest quarter, eighty acres; lot one, thirty-five $\frac{40}{100}$ acres; lot two, thirty-five $\frac{40}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-five $\frac{39}{100}$ acres; lot four, thirty-five $\frac{39}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: the northwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section twenty-nine; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{96}{100}$ acres; lot two, thirty-six $\frac{09}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{22}{100}$ acres; lot four, thirty-six $\frac{35}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section thirty-one—all in township thirty one, range eighteen east.

The east half of the southeast quarter, eighty acres, of section five: the east half of the northwest quarter, eighty acres; lot one, thirty-six $\frac{54}{100}$ acres; lot two, thirty-six $\frac{62}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{71}{100}$ acres; lot four, thirty-six $\frac{79}{100}$ acres, of section seven: section nine, six hundred and forty acres; section fifteen, six hundred and forty acres: section seventeen, six hundred and forty acres; the northeast quarter, one hundred and sixty
67 acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{07}{100}$ acres; lot two, thirty-seven $\frac{13}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-seven $\frac{19}{100}$ acres; lot four, thirty-seven $\frac{25}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: section twenty-one, six hundred and forty acres; the southwest quarter, one hundred and sixty acres; the southeast quarter, one hundred and sixty acres, of section twenty-three: the south half of the southwest quarter, eighty acres; and the south half of the southeast quarter, eighty acres, of section twenty-five; section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres; the northeast quarter one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{19}{100}$ acres; lot two, thirty-seven $\frac{14}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-seven $\frac{09}{100}$ acres; lot four, thirty-seven $\frac{04}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section thirty-one: section thirty-three, six hundred and forty acres; section thirty-five, six hundred and forty acres—all in township thirty-two, range eighteen east.

Lot one, forty $\frac{04}{100}$ acres; lot two, forty $\frac{11}{100}$ acres; lot three, forty $\frac{18}{100}$ acres; lot four, forty $\frac{52}{100}$ acres; the south half of the northwest
68 quarter, eighty acres; the southwest quarter, one hundred and

sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: lot one, forty $\frac{55}{100}$ acres; lot two, forty $\frac{58}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty $\frac{61}{100}$ acres; lot four, forty $\frac{64}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: lot one, thirty-nine $\frac{62}{100}$ acres; lot two, thirty-nine $\frac{58}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{54}{100}$ acres; lot four, thirty-nine $\frac{50}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{66}{100}$ acres; lot two, thirty-seven $\frac{75}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-seven $\frac{84}{100}$ acres; lot four, thirty-seven $\frac{93}{100}$ acres, and the southeast quarter, one hundred and sixty acres, section seven; section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; the northwest quarter, one hundred and sixty acres; and the
69 southwest quarter, one hundred and sixty acres, of section seventeen: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-eight $\frac{50}{100}$ acres; lot two, thirty-eight $\frac{56}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-eight $\frac{61}{100}$ acres; lot two, thirty-eight $\frac{64}{100}$ acres; and the southeast quarter, one hundred and sixty acres, *and the southeast quarter, one hundred and sixty acres*, of section nineteen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{23}{100}$ acres; lot two, thirty-nine $\frac{29}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{35}{100}$ acres; lot four, thirty-nine $\frac{41}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section thirty-one: section thirty-three, six hundred and forty acres; and section thirty five, six hundred and forty acres—all in township thirty-three, range eighteen east.

Lot one, thirty-nine $\frac{98}{100}$ acres; lot two, thirty-nine $\frac{97}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{95}{001}$ acres; lot four, thirty-nine $\frac{94}{100}$ acres; the south half of the
70 northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter one hundred and sixty acres, of section one: lot one, forty $\frac{10}{100}$ acres; lot two, thirty-nine $\frac{97}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine, $\frac{84}{100}$ acres; lot four, thirty-nine $\frac{71}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; & the southeast quarter, one hundred and sixty acres, of section three; lot one, thirty-nine $\frac{87}{100}$ acres; lot two, thirty-nine $\frac{97}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty $\frac{03}{100}$ acres; lot four, forty $\frac{17}{100}$ acres; south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot two, thirty-nine $\frac{61}{100}$ acres;

lot three, thirty-nine $\frac{54}{100}$ acres; lot four, thirty-nine $\frac{47}{100}$ acres, and the the southeast quarter of section seven, one hundred and sixty acres; section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; section seventeen, six hundred
71 and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{59}{100}$ acres; lot two, thirty-nine $\frac{56}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{54}{100}$ acres; lot four, thirty-nine $\frac{51}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{07}{100}$ acres; lot two, thirty-nine $\frac{99}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{91}{100}$ acres; lot four, thirty-nine, $\frac{83}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section thirty-one: section thirty-three, six hundred and forty acres; section thirty-five, six hundred and forty acres—all in township thirty-four, range eighteen east.

Lot one, thirty-one $\frac{51}{100}$ acres; lot two, thirty-one $\frac{54}{100}$ acres: lot three, thirty-one $\frac{57}{100}$ acres; lot four, thirty-one $\frac{60}{100}$ acres, of section one: lot one, thirty-one $\frac{75}{100}$ acres; lot two, thirty-one $\frac{78}{100}$ acres; lot three, thirty-one $\frac{81}{100}$ acres; and lot four, thirty-one $\frac{04}{100}$ acres, of section
72 three: lot one, thirty-two $\frac{01}{100}$ acres; lot two, thirty-two $\frac{04}{100}$ acres; lot three, thirty-two $\frac{07}{100}$ acres; lot four, thirty-two $\frac{10}{100}$ acres, of section five—all in township thirty-five, range eighteen east. The northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-six $\frac{32}{100}$ acres; lot two, thirty-six $\frac{57}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{82}{100}$ acres; lot four, thirty-seven $\frac{07}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: the northwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section twenty-nine: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{50}{100}$ acres; lot two, thirty-seven $\frac{30}{100}$ acres, of section thirty-one—all in township twenty-seven, range twenty east. The southeast quarter of the southwest quarter, forty acres, of section five, and the northwest quarter of the southwest quarter, forty acres, of section nine—all in township twenty-eight, range twenty east.

Lot five, forty-seven $\frac{73}{100}$ acres; lot six, forty-seven $\frac{68}{100}$ acres; lot seven, forty-seven $\frac{63}{100}$ acres; lot eight, forty-seven $\frac{50}{100}$ acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-five: lot five, forty-eight $\frac{27}{100}$ acres; lot five, forty-eight $\frac{33}{100}$ acres; lot seven, forty-eight $\frac{39}{100}$ acres;
73 lot eight, forty-eight $\frac{45}{100}$ acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-seven: lot five, forty-eight $\frac{73}{100}$ acres; lot six, forty-eight $\frac{79}{100}$ acres; lot seven, thirty seven $\frac{23}{100}$ acres; lot eight, thirty $\frac{12}{100}$ acres; lot nine, thirty-four $\frac{}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine: section thirty-three, six hundred and forty acres; and section thirty-five, six hundred and forty acres—all in township twenty-six, range seventeen east. Lot

one, thirty-nine $\frac{88}{100}$ acres; lot two, thirty-nine $\frac{63}{100}$ acres; lot three, thirty-nine $\frac{38}{100}$ acres; lot four, thirty-nine $\frac{13}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-eight $\frac{50}{100}$ acres; lot two, thirty eight $\frac{53}{100}$ acres; lot three, thirty-eight $\frac{48}{100}$ acres; lot four, thirty-eight $\frac{43}{100}$ acres; the south half of the northeast quarter, eight acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: lot one, thirty-nine $\frac{96}{100}$ acres; lot two, thirty-nine $\frac{97}{100}$ acres; lot three, twenty-nine $\frac{45}{100}$ acres; lot four, twenty-nine
74 $\frac{32}{100}$ acres; and lot five, fifty-eight $\frac{24}{100}$ acres; the south half of the northeast quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; the west half of the southeast quarter, eighty acres; and the southeast quarter of the southeast quarter, forty acres, of section thirteen: the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section fifteen: the northeast quarter, one hundred and sixty acres; lot one, fifty-six $\frac{65}{100}$ acres; lot two, fifty-six $\frac{35}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seventeen—all in township twenty-seven, range seventeen east. Lot five, forty-eight $\frac{49}{100}$ acres; lot six, forty-eight $\frac{45}{100}$ acres; lot seven, forty-eight $\frac{41}{100}$ acres; the east half of the southwest quarter, eighty acres; the southwest quarter of the southwest quarter, forty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-five: lot five, forty-eight $\frac{30}{100}$ acres; the southwest quarter of the southeast quarter, forty acres; lot eight, forty-eight $\frac{12}{100}$ acres, and the east half of the southeast quarter, eighty acres, of
75 section twenty-seven: the west half of the northeast quarter, eighty acres; the southeast quarter of the northeast quarter, forty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{40}{100}$ acres; lot two, thirty-five $\frac{41}{100}$ acres; lot three, thirty-five $\frac{42}{101}$ acres; lot four, thirty-five $\frac{43}{100}$ acres; the east half of the southwest quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section thirty-one: the east half of the northeast quarter, eighty acres, of section thirty-three: the northeast quarter, one hundred and sixty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section thirty-five—all in township twenty-six, range eighteen east.

Lot one, forty-one $\frac{52}{100}$ acres; lot two, forty $\frac{97}{100}$ acres; lot three, forty $\frac{42}{100}$ acres; lot four, thirty-nine $\frac{87}{100}$ acres; the south half of the northeast quarter, eighty acres; the southeast quarter of the northwest quarter, forty acres; the east half of the southwest quarter, eighty acres; the southwest quarter of the southwest quarter, forty acres; and the southeast quarter, one hundred and sixty acres, of section one: the south half of the northeast quarter, eighty acres, of section three: lot two, forty-six $\frac{80}{100}$ acres; the southeast quarter of the northwest quarter, forty
76 acres; lot six, twenty-one $\frac{10}{100}$ acres; and the southwest quarter of the southwest quarter, forty-acres, of section five: the northeast quarter, one hundred and sixty acres; lot one, thirty-six $\frac{31}{100}$ acres; lot two, thirty-six $\frac{33}{100}$ acres; lot three, thirty-six $\frac{36}{100}$ acres; lot four,

thirty-six $\frac{38}{100}$ acres; the east half of the northwest quarter, eighty acres; the east half of the southwest quarter, eighty acres; the west half of the southeast quarter, eighty acres; the northeast quarter of the southeast quarter, forty acres; the northeast quarter of the southeast quarter, forty acres, of section seven: the west half of the northeast quarter, eighty acres; the southeast quarter of the northeast quarter, forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section nine: section thirteen, six hundred and forty acres; the southwest quarter of the northeast quarter, forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section seventeen—all in township twenty-seven, range eighteen east.

Lot eight, fifty $\frac{88}{100}$ acres; lot seven, fifty-one $\frac{07}{100}$ acres; lot six, fifty-one $\frac{26}{100}$ acres; the southwest quarter, one hundred and sixty acres,
77 and the southeast quarter, one hundred and sixty acres, of section twenty-seven; lot eight, forty-nine $\frac{36}{100}$ acres, and lot seven, forty-nine $\frac{53}{100}$ acres; lot six, forty-seven $\frac{74}{100}$ acres; lot five, forty-nine $\frac{93}{100}$ acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-nine: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-two $\frac{71}{100}$ acres; lot two, thirty-two $\frac{73}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-two $\frac{75}{100}$ acres; lot four, thirty-two $\frac{77}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section thirty-one; section thirty-three, six hundred and forty acres; the west half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the west half of the southeast quarter, eighty acres, of section thirty-five—all in township twenty-six, range nineteen east.

Lot two, forty-two acres, of section one: lot one, forty-two $\frac{06}{100}$ acres; lot two, forty-one $\frac{97}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty-one $\frac{87}{100}$ acres; lot four, forty-one $\frac{78}{100}$ acres; the south half of the northwest quarter, eighty acres; the southeast quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section five; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter,
78 eighty acres; lot one, thirty-three $\frac{27}{100}$ acres; lot two, thirty-three $\frac{41}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-three $\frac{55}{100}$ acres; lot four, thirty-three $\frac{69}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seven; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, of section nine; the west half of the northeast quarter and the east half of the northwest quarter, one hundred and sixty acres; the east half of the southwest quarter, eighty acres; the west half of the southwest quarter, eighty acres, of section eleven; the northwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section thirteen: the northwest quarter, one hundred and sixty acres, and the north half of the southwest quarter, eighty acres, of section fifteen: section seventeen, six hundred and forty acres; all in township twenty-seven, range nineteen east. Lot one, thirty-five $\frac{25}{100}$ acres; lot two, thirty-five $\frac{35}{100}$ acres, the east half of the southwest quarter, eighty acres; lot three, thirty-five $\frac{45}{100}$ acres; lot four, thirty-five $\frac{55}{100}$ acres, of section thirty-one: township twenty six, range twenty east. Section twenty-one, six hundred and

forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres: the southwest
79 quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-three: section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, fifty-four $\frac{51}{100}$ acres; lot two, fifty-three $\frac{93}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section twenty-nine: section thirty-three, six hundred and forty acres; section thirty-five, six hundred and forty acres—all in township twenty-seven, range seventeen east.

Lot one, thirty-nine $\frac{95}{100}$ acres; lot two, thirty-nine $\frac{87}{100}$ acres; lot three, thirty-nine $\frac{79}{100}$ acres; lot four, thirty-nine $\frac{71}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-nine $\frac{58}{100}$ acres; lot two, thirty-nine $\frac{66}{100}$ acres; lot three, thirty-nine $\frac{73}{100}$ acres; lot four, thirty-nine $\frac{83}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: lot one, thirty-nine $\frac{68}{100}$ acres; lot
80 two, thirty-nine $\frac{83}{100}$ acres; lot three, twenty-six $\frac{18}{100}$ acres; lot four, twenty-six $\frac{18}{100}$ acres; lot five, fifty-one $\frac{85}{100}$ acres; the south half of the northeast quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, fifty $\frac{14}{100}$ acres; lot two, forty-nine $\frac{78}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section seventeen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; section twenty five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, forty-seven $\frac{85}{100}$ acres; lot two, forty-seven $\frac{38}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section twenty-nine: section thirty-three, six hundred and forty acres; and section thirty-five, six hundred and forty acres—all in township twenty-eight, range seventeen east.

Lot one, forty $\frac{02}{100}$ acres; lot two, forty $\frac{09}{100}$ acres; lot three, forty $\frac{16}{100}$ acres; lot four, forty $\frac{23}{100}$ acres; the south half of the northwest quarter, eighty acres; the south half of the northeast quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the south-
81 east quarter, one hundred and sixty acres, of section one: lot one, forty $\frac{30}{100}$ acres; lot two, forty $\frac{24}{100}$ acres; lot three, forty $\frac{20}{100}$ acres; lot four, forty $\frac{27}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; the southeast quarter, one hundred and sixty acres, of section three: lot one, forty $\frac{16}{100}$ acres; lot two, forty $\frac{08}{100}$ acres; lot three, forty-five $\frac{76}{100}$ acres; lot four, forty-five $\frac{12}{100}$ acres; the south half of the northeast quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; the northwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section fifteen: the

northeast quarter, one hundred and sixty acres; lot one, forty-three $\frac{74}{100}$ acres; lot two, forty-three $\frac{22}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seventeen: the northwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-one: the northeast quarter, one hundred and sixty acres, and the southwest quarter, one hundred
82 and sixty acres, of section twenty-three: the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the north half of the southwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-five: the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, of section twenty-seven: the south half of the northeast quarter, eighty acres; lot one, forty-one $\frac{49}{100}$ acres; lot two, forty $\frac{95}{100}$ acres, of section twenty-nine: the northeast quarter of the northeast quarter, forty acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section thirty-three; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section thirty-five—all in township twenty-nine, range seventeen east.

Lot one, forty $\frac{22}{100}$ acres; lot two, forty $\frac{30}{100}$ acres; lot three, forty $\frac{38}{100}$ acres; lot four, forty $\frac{46}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty
83 acres, and the southeast quarter, one hundred and sixty acres, of section three: the northeast quarter, one hundred and sixty acres, and the northwest quarter, one hundred and sixty acres, of section nine: section eleven, six hundred and forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section thirteen: section fifteen, six hundred and forty acres; section twenty-three, six hundred and forty acres; and section twenty-five, six hundred and forty acres—all in township number thirty, range seventeen east.

Lot one, forty-one $\frac{46}{100}$ acres; lot two, forty-one $\frac{44}{100}$ acres; lot three, forty-one $\frac{42}{100}$ acres: lot four, forty-one $\frac{40}{000}$ acres; the southeast quarter of the northeast quarter, forty acres, and the east half of the southeast quarter, eighty acres, of section one, township thirty-one, range seventeen east.

The northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{06}{100}$ acres; lot two, thirty-seven $\frac{19}{100}$ acres; lot three, thirty-seven $\frac{32}{100}$ acres; lot four, thirty-seven $\frac{45}{100}$ acres; the east half of the southwest quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: the north half of the northwest quarter, eighty acres; and the south of the southwest quarter, eighty acres, of section
84 twenty-one: the east half of the southeast quarter, eighty acres, of section twenty-three: the north half of the northeast quarter, eighty acres; and the northwest quarter, one hundred and sixty acres, of section twenty-five: the east half of the northwest quarter, eighty acres; and the west half of the southwest quarter, eighty acres, of section twenty-seven: section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{73}{100}$ acres;

lot two, thirty-seven $\frac{01}{100}$ acres; lot three, thirty-seven $\frac{89}{100}$ acres; lot four, thirty-seven $\frac{97}{100}$ acres; the east half of the southwest quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section thirty-one: section thirty-three, six hundred and forty acres; the southwest quarter of the northwest quarter, forty acres; lot seven, fifty-four acres; the southwest quarter, one hundred and sixty acres, of section thirty-five—all in township twenty-seven, range eighteen east.

Lot three, forty $\frac{01}{100}$ acres; lot four, forty $\frac{01}{100}$ acres; the south half of the northwest quarter, eighty acres; the northeast quarter of the southeast quarter, forty acres, of section one: lot one, forty $\frac{45}{100}$ acres; lot two, forty $\frac{46}{100}$ acres; lot three, forty $\frac{47}{100}$ acres; lot four, forty $\frac{48}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres, of section three; lot one, forty $\frac{75}{100}$ acres;
85 lot two, forty $\frac{67}{100}$ acres; lot three, forty $\frac{59}{100}$ acres; lot four, forty $\frac{51}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-eight $\frac{76}{100}$ acres; lot two, thirty-eight $\frac{84}{100}$ acres; lot three, thirty-eight $\frac{92}{100}$ acres; lot four, thirty-nine acres; the east half of the southwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section seven: lot five, forty-one $\frac{20}{100}$ acres; lot six, twenty-one acres; lot seven, fifty-two $\frac{70}{100}$ acres; the southwest quarter of the northwest quarter, forty acres; the southwest quarter, one hundred and sixty acres, and the west half and the southwest quarter of the southeast quarter, one hundred and twenty acres, of section eleven: the northeast quarter, one hundred and sixty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section thirteen: the south half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and
86 the southeast quarter, one hundred and sixty acres, of section seventeen: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{61}{100}$ acres; lot two, thirty-nine $\frac{72}{100}$ acres; lot three, thirty-nine $\frac{83}{100}$ acres; lot four, thirty-nine $\frac{94}{100}$ acres; the east half of the southwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section nineteen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; the west half of the northwest quarter, eighty acres, and the west half of the southwest quarter, eighty acres, of section twenty-five: section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{46}{100}$ acres; lot two, forty $\frac{39}{100}$ acres; lot three, forty $\frac{31}{100}$ acres; lot four, forty $\frac{24}{100}$ acres; the east half of the southwest quarter, eighty acres; the southeast quarter, one hundred and sixty acres, of section thirty-one: the northwest quarter of the northeast quarter, forty acres; the northeast quarter of the northwest quarter, forty acres; the west half of the southwest quarter, eighty acres; the southeast quarter of the southwest
87 quarter, forty acres, and the southwest quarter of the southeast quarter, forty acres, of section thirty-three: the southeast quarter of the northeast quarter, forty acres, and the southwest quarter, one hundred and sixty acres, of section thirty-five—all in township twenty-eight, range eighteen east.

Lot one, thirty-nine $\frac{06}{100}$ acres; lot two, thirty-nine $\frac{88}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{80}{100}$ acres; lot four, thirty-nine $\frac{22}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section one; lot one, thirty-nine $\frac{51}{100}$ acres; lot two, thirty-nine $\frac{53}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{53}{100}$ acres; lot four, thirty-nine $\frac{57}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: the south half of the northeast quarter, eighty acres; the southeast quarter of the northwest quarter, forty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{19}{100}$ acres; lot two, forty $\frac{22}{100}$ acres; the east
88 half of the southwest quarter, eighty acres; lot three, forty $\frac{25}{100}$ acres; lot four, forty $\frac{20}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the southeast quarter, one hundred and sixty acres, and the *southeast* quarter, one hundred and sixty acres, of section eleven: section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; section seventeen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{09}{100}$ acres; lot two, forty $\frac{07}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, forty $\frac{05}{100}$ acres; lot four, forty $\frac{03}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nineteen; section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{54}{100}$ acres; lot two, thirty-nine $\frac{42}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section thirty-one: section thirty-three, six
89 hundred and forty acres; and section thirty-five, six hundred and forty acres—all in township thirty-nine, range eighteen east.

Lot one, forty $\frac{02}{100}$ acres; lot two, forty $\frac{02}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty $\frac{02}{100}$ acres; lot four, forty $\frac{02}{100}$ acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-nine $\frac{76}{100}$; lot two, thirty-nine $\frac{78}{100}$; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{80}{100}$ acres: lot four, thirty-nine $\frac{82}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: lot one, forty $\frac{20}{100}$ acres; lot two, forty $\frac{25}{100}$ acres; the south half of the northeast quarter, eighty acres: lot three, forty $\frac{22}{100}$ acres: lot four, forty $\frac{19}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{61}{100}$ acres; lot two, thirty nine $\frac{63}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{65}{100}$ acres; lot four, thirty-nine $\frac{67}{100}$ acres, and the

90 southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section eleven: section thirteen, six hundred and forty acres: section fifteen, six hundred and forty acres: section seventeen, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{94}{100}$ acres; lot two, thirty-nine $\frac{99}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, forty $\frac{04}{100}$ acres; lot four, forty $\frac{09}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section nineteen: the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section twenty-one: section twenty-three, six hundred and forty acres: section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres: section twenty-nine, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{25}{100}$ acres; lot two, forty $\frac{18}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, forty $\frac{11}{100}$ acres; lot
91 four, forty $\frac{04}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section thirty-one; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section thirty-three: the northeast quarter, one hundred and sixty acres; the northwest, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section thirty-five—all in township thirty, range eighteen east.

Lot one, forty-one $\frac{28}{100}$ acres; lot two, forty-one $\frac{35}{100}$ acres; the south half of the northeast quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres of section one: lot one, forty-one $\frac{40}{100}$ acres; lot two, forty-one $\frac{45}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty-one $\frac{42}{100}$; lot four, forty-one $\frac{39}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: lot one, forty-one $\frac{82}{100}$ acres; lot two, forty-one $\frac{86}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty-one $\frac{90}{100}$ acres; lot four, forty-one $\frac{94}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred
92 and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{11}{100}$ acres; lot two, thirty-five $\frac{13}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-five $\frac{15}{100}$ acres; lot four, thirty-five $\frac{17}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; section seventeen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-one: section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; the north half of the northeast quarter, eighty acres, and the southwest quarter, one hundred and sixty acres, of section thirty-three; and section thirty-

five, six hundred and forty acres—all in township thirty-one, range eighteen east.

Lot one, thirty-nine $\frac{99}{100}$; lot two, thirty-nine $\frac{99}{100}$; the south half of the northeast quarter eighty acres; lot three, thirty-nine $\frac{99}{100}$ acres; lot four, thirty-nine $\frac{99}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres and the southeast quarter, one hundred and sixty acres of section one: lot one, forty $\frac{32}{100}$ acres; lot two, forty $\frac{26}{100}$ acres; south half of the northeast quarter, eighty acres; lot three, forty $\frac{26}{100}$ acres; lot four
93 forty $\frac{28}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; northeast quarter, one hundred and sixty acres, of section twenty-three: the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; the north half of the southwest quarter, eighty acres: and the north half of the southeast quarter, eighty acres, of section twenty-five, all in township thirty-two, range eighteen east.

The northeast quarter, one hundred and sixtyacres; the east half of the northwest quarter, eighty acres; lot one, thirty-four $\frac{32}{100}$ acres; lot two, thirty-four $\frac{48}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-four $\frac{65}{100}$ acres; lot four, thirty-four $\frac{81}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; the west half and the northeast quarter of the southeast quarter, one hundred and twenty acres, of section twenty-one: section twenty-three, six hundred and forty acres; the east half of the northeast quarter, eighty acres; the south-
east half of the southwest quarter, eighty acres; the west half of the
94 southeast quarter, eighty acres, of section twenty-five: the northeast quarter, one hundred and sixty acres; the east half *of* the southwest quarter of the northwest quarter, one hundred and twenty acres; the east half and the northwest quarter of the southwest quarter, one hundred and twenty acres; and the southeast quarter; one hundred and twenty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-seven: the southwest quarter of the northeast quarter, forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{20}{100}$ acres; lot two, thirty-five $\frac{46}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-five $\frac{67}{100}$ acres; lot four, thirty-five $\frac{88}{100}$ acres of section thirty-one: the east half of the southeast quarter, eighty acres of section thirty-three: the south half of the southwest quarter, eighty acres; and the south half of the southeast quarter, eighty acres, of section thirty-five, all in township twenty-seven, range nineteen east.

Lot one, forty $\frac{06}{100}$ acres; lot two, forty $\frac{18}{100}$ acres; the south half of the northeast quarter, eighty acres, of section one: lot three, forty $\frac{35}{100}$ acres; lot four, forty $\frac{25}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and
95 sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: lot two, forty $\frac{08}{100}$ acres; the south half of the northeast quarter, eighty acres; the west half and the north-

east quarter of the southwest quarter, one hundred and twenty acres, of section five: lot seven, fifty-three $\frac{20}{100}$ acres; lot eight, fifty $\frac{20}{100}$ acres; lot nine, thirty-six $\frac{65}{100}$ acres; lot ten, thirty-six $\frac{59}{100}$ acres; the east half of the southwest quarter, eighty acres; the west half and the southeast quarter of the southeast quarter, one hundred and twenty acres, of section seven: the west half of the southwest quarter, eighty acres, of section eleven: the east half of the southwest quarter of the southeast quarter, one hundred and twenty acres, of section thirteen: the northeast quarter, one hundred and sixty acres; the west half of the southeast quarter, eighty acres, of section fifteen: the northeast quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section seventeen: the west half of the northeast quarter, eighty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{23}{100}$ acres; lot two, thirty-seven $\frac{24}{100}$ acres; lot three, thirty-seven $\frac{26}{100}$ acres; lot four, thirty-seven $\frac{28}{100}$ acres, of section nineteen: the southwest quarter of the northwest quarter, forty acres; and the south half of the southwest quarter, eighty acres, of section twenty-one:
96 the west half and the southeast quarter of the southwest quarter, one hundred and twenty acres, and the southwest quarter of the southwest quarter, forty acres, of section twenty five: the northwest quarter of the northwest quarter, forty acres, of section twenty-seven: the northeast quarter, one hundred and sixty acres; the south half of the northwest quarter, 80 acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-nine: the east half of the northwest quarter, eighty acres; lot one, thirty-six $\frac{62}{100}$ acres; lot two, thirty-six $\frac{47}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{32}{100}$ acres; lot four, thirty-six $\frac{17}{100}$ acres; the southeast quarter, one hundred and sixty acres, of section thirty-one: the west half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; the south half of the southeast quarter, eighty acres, of section thirty-three: lot one, twenty-seven $\frac{20}{100}$ acres; lot two, fifty-six $\frac{20}{100}$ acres; the southwest quarter of the southwest quarter, forty acres, of section thirty-five—all in township twenty-eight, range nineteen east.

The south half of the southwest quarter, eighty acres, of section one; lot one, thirty-nine $\frac{36}{100}$; lot two, thirty-nine $\frac{37}{010}$ acres; the south half
97 of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{36}{100}$ acres; lot four, thirty-nine $\frac{41}{100}$ acres, the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three; lot three, thirty-nine $\frac{49}{100}$ acres; lot four, thirty-nine $\frac{49}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; the southeast quarter, one hundred and sixty acres, of section five; the southeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-six $\frac{45}{100}$ acres; lot two, thirty-six $\frac{55}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{65}{100}$ acres; lot four, thirty-six $\frac{75}{100}$ acres; the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres; the southeast quarter, one hundred and sixty acres, of section thirteen: the north half of the northeast quarter, eighty acres; the southwest quarter, one hundred and sixty acres; the south half of the southeast quarter, eighty acres, of section fifteen; section seventeen, six hundred and forty acres; the northeast quarter, one hundred

and sixty acres; the east half of the northwest quarter, eighty
98 acres; lot one, thirty-six $\frac{80}{100}$ acres; lot two, thirty-seven $\frac{04}{100}$ acres; the east half of the southeast quarter, eighty acres; lot three, thirty-seven $\frac{20}{100}$ acres; lot four, thirty-seven $\frac{36}{100}$ acres, the southeast quarter, one hundred and sixty acres, of section nineteen: the northeast quarter, one hundred and sixty acres, and the northwest quarter, one hundred and sixty acres, of section twenty-one—all in township twenty-nine, range nineteen east.

Now know ye that the State of Kansas, in consideration of the premises, and in conformity with said laws, has given and granted, and by these presents does give and grant, unto the Leavenworth, Lawrence and Galveston Railroad Company and assigns, the said tracts above described, to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature accruing, under the provisions of the laws relating thereto.

In testimony whereof I, James M. Harvey, governor of the State of Kansas, have caused these letters to be made patent, and the seal of the State to be hereunto affixed.

Given under my hand, at the city of Topeka, the eighth day of April, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States the ninety-sixth, and of the twelfth year of the State.

99 [SEAL.] JAMES M. HARVEY.

By the governor:
W. H. SMALLWOOD,
Secretary of State.

STATE OF KANSAS,
County of Montgomery, ss:

I, Geo. S. Beard, register of deeds in and for the county of Montgomery and State of Kansas, do hereby certify that the foregoing is a true and correct copy of the patent from the State of Kansas to the Leavenworth, Lawrence and Galveston Railroad Company, as the same was filed and recorded in the office of register of deeds in said county and State, on the ninth day of July, A. D. 1872, at 10 o'clock a. m., and recorded in book A of patents, from page 205 to page 220, inclusive.

In witness whereof I have hereunto subscribed my name and affixed my official seal this 7th day of February, A. D. 1874.

[SEAL.] GEO. A. BEARD,
Register of Deeds, Montgomery County, Kansas.

100

101 EXHIBIT C.

Copy of patent from the State of Kansas, to The Leavenworth, Lawrence and Galveston R. R. Co.

102 The State of Kansas to all whom these presents shall come, greeting:

Whereas the Leavenworth, Lawrence and Galveston Railroad Company, having constructed a railroad and telegraph line from the city of Lawrence to the southern line of this State, in the direction of Galveston Bay, in the State of Texas, is entitled, under the provisions of the

act of Congress approved March 3d, one thousand eight hundred and sixty-three, entitled "An act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroad and telegraph in said State," and of the act of the legislature of the State of Kansas, approved February 9th, one thousand eight hundred and sixty-four, entitled "An act to accept a grant of lands made to the State of Kansas by the Congress of the United States to aid in the construction of certain railroads and telegraphs in said State, and to apply the same to the construction of such roads and telegraphs," "to the following-described tracts of land, as certified by the Commissioner of the General Land-Office, and approved by the Secretary of the Interior, under date of February 1st, 1873, said to contain ten thousand two and $\frac{94}{100}$ acres, namely:

The northeast quarter, one hundred and sixty acres; lots number one, forty-two and $\frac{56}{100}$ acres; two, forty-two and $\frac{25}{100}$ acres; three, forty-one and $\frac{95}{100}$ acres; four, forty-one and $\frac{65}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section seventeen: the
103 southwest quarter, one hundred and sixty-acres; southeast quarter, one hundred and sixty acres, of section twenty-one: the northeast quarter, one hundred and sixty acres; lots number one, forty and $\frac{33}{100}$ acres; two, thirty-nine and $\frac{82}{100}$ acres; three, thirty-nine and $\frac{51}{100}$ acres; four, thirty-nine and $\frac{20}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section twenty-nine; all of section thirty-three, six hundred and forty acres—all in township thirty-three south, range seventeen east.

The northeast quarter, one hundred and sixty and $\frac{30}{100}$ acres; northwest quarter, one hundred and sixty and $\frac{36}{100}$ acres; southwest quarter, one hundred and sixty acres: southeast quarter, one hundred and sixty acres, of section three: the northeast quarter, one hundred and sixty-one and $\frac{04}{100}$ acres; lots number three, thirty-seven and $\frac{76}{100}$ acres; four, thirty-seven and $\frac{35}{100}$ acres; five, thirty-seven and $\frac{05}{100}$ acres; six, thirty-six and $\frac{75}{100}$ acres; and the southeast *east* quarter, one hundred and sixty acres, of section five: all of section nine, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; lots number one, thirty-five and $\frac{25}{100}$ acres; two, thirty-four and $\frac{95}{100}$ acres; three, thirty-four and $\frac{65}{100}$ acres; and four, thirty-four and $\frac{35}{100}$ acres; and southeast quarter, one hundred and sixty acres, of section seventeen: all of section twenty-one, six hundred and forty acres: the southeast quarter of the northeast quarter, forty acres; northwest quarter, one hun-
104 dred and sixty acres; southwest quarter, one hundred and sixty acres; and southeast quarter, one hundred and sixty acres, of section twenty-three: all of section twenty-five, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; northwest quarter, one hundred and sixty acres; west half of southwest quarter, eighty acres; north half of southeast quarter, eighty acres, of section twenty-seven: the northeast quarter, one hundred and sixty acres; lots number one, thirty-two and $\frac{84}{100}$ acres; two, thirty-two and $\frac{53}{100}$ acres; three, thirty-two and $\frac{22}{100}$ acres; four, thirty-one and $\frac{92}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine: the northwest quarter, one hundred and sixty acres; and southwest quarter, one hundred and sixty acres, of section thirty-three: all of section thirty-five, six hundred and forty acres—all in township thirty-four south, range seventeen east.

Lots number one, thirty-two and $\frac{21}{100}$ acres; two, thirty-two and $\frac{15}{100}$ acres; three, thirty-two and $\frac{09}{100}$ acres; four, thirty-two and $\frac{03}{100}$ acres, of section one: lots number one, thirty-one and $\frac{77}{100}$ acres; two, thirty-

one and $\frac{71}{100}$ acres; three, thirty-one and $\frac{65}{100}$ acres; four, thirty-one and $\frac{59}{100}$ acres, of section three—all in township thirty-five south, range seventeen east.

The northwest quarter of the northwest quarter, forty-one and $\frac{42}{100}$ acres, of section one: the northeast quarter of the northeast quarter, forty acres; the west half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; southwest quar-
105 ter, one hundred and sixty acres; and the west half of southeast quarter, eighty acres, of section eleven: the east half of northeast quarter, eighty acres; the southeast quarter of southwest quarter, forty one and $\frac{03}{100}$ acres; the northeast quarter of southeast quarter, thirty-nine acres, of section thirteen: the southeast quarter of the northeast quarter, forty acres; east half of the southeast quarter, eighty acres, of section twenty-three: the west half of northeast quarter, eighty acres; northwest quarter, one hundred and sixty acres; west half of southwest quarter, eighty acres; northeast quarter of southwest quarter, forty acres; northwest quarter of southeast quarter, forty acres, of section twenty-five—all in township twenty-three south, range twenty east.

The southeast quarter of the southwest quarter, forty acres, of section seven, in township twenty-three south, range twenty-one east.

Now know ye that the State of Kansas, in consideration of the premises, and in conformity with the said laws, has given and granted, and by these presents does give and grant, unto the Leavenworth, Lawrence and Galveston Railroad Company and assigns the said tracts above described:

To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature accruing under the provisions of the laws relating thereto and in accordance with
106 the act of Congress of March 3d, 1863, set forth in the foregoing, subject to all its conditions and to any valid interfering rights which may exist to any of the tracts embraced in the foregoing.

In testimony whereof I, Thomas A. Osborn, governor of the State of Kansas, have caused these letters to be made patent, and the seal of the State to be hereunto affixed. Given under my hand, at the city of Topeka, the twenty-first day of March, in the year of our Lord one thousand eight hundred and seventy-three, and of the Independence of the United States the ninety-seventh, and of the thirteenth year of the State.

{ GREAT SEAL OF THE STATE OF KANSAS. } THOMAS A. OSBORN.

By the governor.

W. H. SMALLWOOD,
Secretary of State.

STATE OF KANSAS,
County of Montgomery, ss:

I, Geo. S. Beard, register of deeds in and for the county of Montgomery, and State of Kansas, do hereby certify that the foregoing is a true and correct copy of the patent from the State of Kansas to the Leavenworth, Lawrence and Galveston Railroad Company, as the same was filed and recorded in the office of register of deeds in said county
107 and State on the third day of April, A. D., 1873, at 9.45 o'clock a. m., and recorded in book A of patents, from page 340 to 342 inclusive.

In witness whereof I have hereunto subscribed my name and affixed my official seal this 7th day of February, A. D. 1874.

[SEAL.] GEO. S. BEARD,
Register of Deeds, Montgomery County, Kansas.

108

109 EXHIBIT D.

Copy of Patent No. 2 from the State of Kansas to the Leavenworth, Lawrence and Galveston Railway Company.

110 The State of Kansas to all to whom these presents shall come, greeting:

Whereas the Leavenworth, Lawrence and Galveston Railroad Company having constructed a railroad and telegraph line from the city of Lawrence to the southern line of this State, in the direction of Galvesten Bay, in the State of Texas, is entitled, under the provisions of the act of Congress, approved March 3d, one thousand eight hundred and sixty-three, entitled "An act for a grant of land to the State of Kansas in alternate section' to aid in the construction of certain railroad and telegraphs in said State," and of the act of the legislature of the State of Kansas, approved February 9th, one thousand eight hundred and sixty-four, entitled "An act to accept a grant of land made to the State of Kansas by the Congress of the United States to aid in the construction of certain railroads and telegraphs in said State, and to apply the same to construction of such roads and telegraphs," to the following-described tracts of land as certified by the Commissioners of the General Land-Office, and approved by the Secretary of the Interior under the date of February 1st, 1873, said to contain ten thousand two and $\frac{96}{100}$ acres, namely:

The northeast quarter, one hundred and sixty acres; lot number one, forty-two and $\frac{55}{100}$ acres; two, forty-two and $\frac{25}{100}$ acres; three,
111 forty-one and $\frac{95}{100}$ acres; four, forty-one and $\frac{65}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seventeen: the southwest quarter of one hundred and sixty acres; southeast quarter one hundred and sixty acres, of section twenty-one: the northeast quarter, one hundred and sixty acres; lots number one, forty and $\frac{13}{100}$ acres; two, thirty-nine and $\frac{82}{100}$ acres; three, thirty-nine and $\frac{51}{100}$ acres; four, thirty-nine and $\frac{20}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine: all of section twenty-three, six hundred and forty acres—all in township thirty-three south, of range seventeen east.

The northeast quarter, one hundred and sixty acres and $\frac{30}{100}$ acres; northwest quarter, one hundred and sixty and $\frac{30}{100}$ acres; southwest quarter, one hundred and sixty acres; southeast quarter, one hundred and sixty acres, of section three. The northeast quarter, one hundred and sixty-one and $\frac{04}{100}$ acres; lots number three, thirty-seven and $\frac{76}{100}$ acres; four, thirty-seven and $\frac{35}{100}$ acres; five, thirty-seven and $\frac{05}{100}$ acres; six, thirty-six and $\frac{75}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section five. All of section nine, six hundred and forty acres; all of section fifteen, six hundred and forty acres. The northeast quarter, one hundred and sixty acres; lots number one, thirty-five and $\frac{25}{100}$ acres; two, thirty-four and $\frac{95}{100}$ acres; three, thirty-four and $\frac{65}{100}$ acres; and four, thirty-four and $\frac{35}{100}$ acres; and
112 southeast quarter, one hundred and sixty acres, of section seventeen. All of section twenty-one, six hundred and forty acres. The southeast quarter of the northeast quarter, forty acres; northwest quarter, one hundred and sixty acres; southwest quarter, one hundred and sixty acres; and southeast quarter, one hundred and sixty acres, of section twenty-three. All of section twenty-five, six hundred and forty acres. The northeast quarter, one hundred and sixty acres; northwest quarter, one hundred and sixty acres; west half of southwest quarter, eighty acres; north half of southeast quarter, eighty acres, of section

twenty-seven. The northeast quarter, one hundred and sixty acres; lots number one, thirty-two and $\frac{84}{100}$ acres; two, thirty-two and $\frac{53}{100}$ acres; three, thirty-two and $\frac{22}{100}$ acres; four, thirty-one and $\frac{92}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine. The northwest quarter, one hundred and sixty acres; and southwest quarter, one hundred and sixty acres, of section thirty-three. All of section thirty-five, six hundred and forty acres—all in township thirty-four south, of range seventeen east.

Lots number one, thirty-two and $\frac{21}{100}$ acres; two, thirty-two and $\frac{15}{100}$ acres; three, thirty-two and $\frac{09}{100}$ acres; four, thirty-two and $\frac{03}{100}$ acres, of section one. Lot number one, thirty-one and $\frac{77}{100}$ acres; two, thirty-one and $\frac{71}{100}$ acres; three, thirty-one and $\frac{65}{100}$ acres;
113 four, thirty-one and $\frac{59}{100}$ acres, of section three—all in township thirty-five south, range seventeen east. The northwest quarter of the northwest quarter, forty-one and $\frac{42}{100}$ acres, of section one. The northeast quarter of the northeast quarter, forty acres; the west half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; southwest quarter, one hundred and sixty acres; and the west half of the southeast quarter, eighty acres, of section eleven. The east half of northeast quarter, eighty acres; the southeast quarter of southwest quarter, forty-one and $\frac{03}{100}$ acres; the northeast quarter of southeast quarter, thirty-nine acres, of section thirteen: the southeast quarter of the northeast quarter, forty acres; east half of the southeast quarter, eighty acres, of section twenty-three: the west half of northeast quarter, eighty acres; northwest quarter, one hundred and sixty acres; west half of southwest quarter, eighty acres; northeast quarter of southwest quarter, forty acres; northwest quarter of southeast quarter, forty acres, of section twenty-five—all in township twenty-three south, range twenty east; the southeast quarter of the southwest quarter, forty acres, of section seven, in township twenty-three south, range twenty-one east.

Now know ye that the State of Kansas, in consideration of the premises and in conformity with said laws, has given and granted, and by these presents does give and grant, unto the Leavenworth, Lawrence and Galveston Railroad Company and assigns the said
114 tracts above described, to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing under the provisions of the laws relating thereto, and in accordance with the act of Congress of March 3d, 1863, set forth in the foregoing, subject to all its conditions, and to any valid interfering rights which may exist to any of the tracts embraced in the foregoing.

In testimony whereof, I, Thomas A. Osborn, governor of the State of Kansas, have caused these letters to be made patent, and the seal of the State to be hereunto affixed.

Given under my hand, at the city of Topeka, the twenty-first day of March, in the year of our Lord one thousand eight hundred and seventy-three, and of the Independence of the United States the ninety-seventh, and of the thirteenth year of the State.

{ GREAT SEAL OF STATE OF KANSAS. }

THOMAS A. OSBORN.

By the governor.
W. M. SMALLWOOD,
Secretary of State.

STATE OF KANSAS,
County of Labette, ss:

This instrument was filed for record on the 16th day of April, A. D. 1873, at 9 o'clock, a. m.

I. W. PATRICK,
115 *Register of Deeds, Labette Co., Kansas.*

Recorded in book G of deeds, from page 242 to 244.

STATE OF KANSAS,
County of Labette, ss:

I, I. W. Patrick, register of deeds in and for said county, do hereby certify that the foregoing is a true and correct copy of the original patent No. 2 from the State of Kansas to the L. L. and G. Railroad, as recorded in my office.

Given under my hand and official seal, at Oswego, this 17th day of February, A. D. 1874.

[SEAL.] I. W. PATRICK,
Register of Deeds.

116

117 EXHIBIT E.

Copy of patent No. 1, from the State of Kansas to the Leavenworth, Lawrence and Galveston Railway Company.

118 Patent.—The State of Kansas to the L., L. & G. R. R.

To all to whom these presents shall come, greeting:

Whereas the Leavenworth, Lawrence and Galveston Railroad Company, having constructed a railroad and telegraph line from the city of Lawrence to the southern line of the State, in the direction of Galveston Bay, in the State of Texas, as is entitled under the provisions of the act of Congress approved March 3d, one thousand eight hundred and sixty-three, entitled, An act for a grant of lands to the State of Kansas in alternate sections to aid the construction of certain railroads and telegraphs in said State, and of the act of the legislature of the State of Kansas, approved February 9th, one thousand eight hundred and sixty-four, entitled An act to accept a grant of lands made to the State of Kansas by the Congress of the United States to aid in the construction of certain railroad and telegraph in said State, and to apply the same to the construction of such road and telegraphs to the following-described tracts of land, as certified by the Commissioners of the General Land-Office, and approved by the Secretary of the Interior, namely:

Lots eight, fifty-two $\frac{40}{100}$ acres; lots seven, fifty-two $\frac{59}{100}$ acres; lots six, fifty-two $\frac{78}{100}$ acres; lots five, fifty-two $\frac{97}{100}$ acres; the
119 southwest quarter, one hundred and sixty acres, and the northwest quarter of the southeast quarter, forty acres, of section twenty-five: lots five, fifty-one $\frac{45}{100}$ acres, in section twenty-seven; the east half of the northeast quarter, eighty acres; and the east half of the southeast quarter, eighty acres, of section thirty-five—all in township number twenty-six, range nineteen east.

The southeast quarter of the northwest quarter, forty acres; the southwest quarter, one hundred and sixty acres; the southeast quarter, one

hundred and sixty acres, of section number one: the northeast quarter of the northeast quarter, forty acres; and the east half of the southeast quarter, eighty acres, of section number eleven: the northeast quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres of section number thirteen—all in township number twenty-seven, range nineteen east.

The east half of the northwest quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section number thirty-one, in township number twenty-six, range twenty east.

The south half of the northeast quarter, eighty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{81}{100}$
120 acres; lot two, thirty-five $\frac{06}{100}$ acres; the east half of the southwest quarter, eighty acres; lots three, thirty-five $\frac{91}{100}$ acres; lot four, thirty-five $\frac{96}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section number seven: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; the east half of the southwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section number seventeen—all in township number twenty-seven, range twenty east.

The west half of the southeast quarter, eighty acres, and the northeast quarter of the southeast quarter, forty acres, of section number twenty-nine, range seventeen east.

Lots one, thirty-nine $\frac{92}{100}$ acres; lot two, twenty-nine $\frac{96}{100}$ acres; lots three, thirty acres; lot four, thirty-nine $\frac{03}{100}$ acres; the south half of the northeast quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section number five: the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres of section nine; the northeast quarter, one hundred and sixty acres; lot one, thirty-six $\frac{97}{100}$ acres; lot two, thirty-six $\frac{51}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section number seventeen: section number twenty-one, six hundred and forty acres;
121 section number twenty-seven, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, thirty-four $\frac{93}{100}$ acres; lot two, thirty-four $\frac{39}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section number twenty-nine: section thirty-three, six hundred and forty acres; and section number thirty-five, six hundred and forty acres—all in townsip thirty, range seventeen east.

The southwest quarter of the northeast quarter, forty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the west half of the southeast quarter, eighty acres, of section one: lot one, forty-one $\frac{54}{100}$ acres; lot two, forty-one $\frac{57}{100}$ acres; lots three, forty-one $\frac{47}{100}$ acres; lots four, forty-one $\frac{44}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northeast quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section number thirty: lot one, forty $\frac{71}{100}$ acres; lot two, forty $\frac{47}{100}$ acres; lot three, $\frac{04}{100}$ acres; lot five, fifty-six $\frac{11}{100}$ acres; lot six, fifty-six $\frac{16}{100}$ acres; the south half of the northeast quarter, eighty acres; and the southeast quarter, one hundred and sixty acres, of section number five: section nine, six hundred and forty acres;
122 section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lots one, fifty-five $\frac{21}{100}$ acres; lot two, fifty-five $\frac{15}{100}$ acres; lot three, fifty-five $\frac{09}{100}$ acres; lot four, fifty-five $\frac{03}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seventeen: section twenty-one, six

hundred and forty acres; section twenty-three, six hundred and forty acres; the north half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-five: section twenty-seven, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, fifty-four $\frac{40}{110}$ acres; lot two, fifty-four $\frac{07}{100}$ acres; lot three, fifty-three $\frac{72}{100}$ acres; lot four, fifty-three $\frac{37}{100}$ acres; and the southeast quarter of section twenty-nine, one hundred and sixty acres: section twenty-three, six hundred and forty acres; and section thirty-five, six hundred and forty acres, all in township thirty-one, range seventeen east.

Lot one, forty $\frac{03}{100}$ acres; lot two, forty $\frac{11}{100}$ acres; lot three, forty $\frac{19}{100}$ acres; lot four, forty $\frac{27}{100}$ acres. The south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the
123 southeast quarter, one hundred and sixty acres, of section one: lot one, forty $\frac{25}{100}$ acres; lot two, forty $\frac{32}{100}$ acres; lot three, forty $\frac{27}{100}$ acres; lot four, forty $\frac{46}{100}$; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: lot three, forty-two $\frac{30}{100}$ acres; lot four, fifty-two acres; lot five, fifty-one $\frac{48}{100}$ acres; lot six, fifty-one $\frac{36}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty ; section fifteen, six hundred and forty acres; the north half, east quarter, one hundred and sixty acres; lot one, fifty $\frac{02}{100}$ acres; lots two, forty-nine $\frac{67}{100}$ acres; lot three, forty-nine $\frac{32}{100}$ acres; lot four, forty-eight $\frac{97}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seventeen: section twenty-one, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the west half of the southeast quarter,
124 eighty acres, of section twenty-three: section twenty-five, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; and the southwest quarter of the southwest quarter, forty acres, of section twenty-seven: the northeast quarter, one hundred and sixty acres; lot one, forty-seven $\frac{27}{100}$ acres; lot two, forty-seven $\frac{02}{100}$ acres; lot three, forty-six $\frac{77}{100}$ acres; lot four, forty-six $\frac{52}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine: the north half of the northeast quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southwest quarter, one hundred and sixty acres, of section thirty-three: and section thirty-five, six hundred and forty acres—all in township thirty-two, range seventeen east.

Lot one, forty $\frac{02}{100}$ acres; lot two, forty $\frac{07}{100}$; lot three, forty $\frac{12}{100}$ acres; lot four, forty $\frac{17}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-nine $\frac{59}{100}$ acres; lot three, thirty-nine $\frac{51}{100}$ acres; lot four, thirty nine $\frac{47}{100}$ acres; lot two, thirty-nine $\frac{55}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter,
eighty acres; the southwest quarter, one hundred and sixty acres;
125 and the southeast quarter, one hundred and sixty acres, of section three: lot one, thirty-nine $\frac{73}{100}$ acres; lot two, forty acres;

the south half of the northeast quarter, eighty acres; lot three, forty-five $\frac{04}{100}$ acres; lot four, forty-four $\frac{07}{100}$ acres; lot five, forty-four $\frac{37}{100}$ acres; and the northwest quarter of the southeast quarter, forty acres, of section five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; and the northwest quarter, one hundred and sixty acres, of section twenty-one: section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; and section thirty-five, six hundred and forty acres—all in township thirty-three, range seventeen east.

Lot one, forty $\frac{02}{100}$ acres; lot two, forty $\frac{07}{100}$ acres; lot three, forty $\frac{12}{100}$ acres; lot four, forty $\frac{17}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section one: section eleven, six hundred and forty acres: section thirteen, six hundred and forty acres—all in township thirty-four, range seventeen east.

126 Northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{40}{100}$ acres; lot two, thirty-five $\frac{40}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-five $\frac{59}{100}$ acres; lot four, thirty-five $\frac{39}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: the northwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section twenty-nine: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{96}{100}$ acres; lot two, thirty-six $\frac{09}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{22}{100}$ acres; lot four, thirty six $\frac{35}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section thirty-one—all in township thirty-one, range eighteen east.

The east half of the southeast quarter, eighty acres, of section five: the east half of the northwest quarter, eighty acres; lot one, thirty-six $\frac{54}{100}$ acres; lot two, thirty-six $\frac{62}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{71}{100}$ acres; lot four, thirty-six $\frac{79}{100}$ acres, of section seven: section nine, six hundred and forty acres: section fifteen, six hundred and forty acres; section seventeen, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{07}{100}$ acres; lot two, thirty-

127 seven $\frac{13}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-seven $\frac{19}{100}$ acres; lot four, thirty-seven $\frac{25}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: section twenty-one, six hundred and forty acres: the southwest quarter, one hundred and sixty acres; the southeast quarter, one hundred and sixty acres, of section twenty-three: the south half of the southwest quarter, eighty acres; and the south half of the southeast quarter, eighty acres, of section twenty-five: section twenty-seven, six hundred and forty acres: section twenty-nine, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{19}{100}$ acres; lot two, thirty-seven $\frac{14}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-seven $\frac{09}{100}$ acres; lot four, thirty-seven $\frac{04}{100}$ acres; and the southeast quarter, one hundred

and sixty acres, of section thirty-one: section thirty-three, six hundred and forty acres: section thirty-five, six hundred and forty acres—all in township thirty-two, range eighteen east.

Lot one, forty $\frac{04}{100}$ acres; lot two, forty $\frac{11}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty $\frac{18}{100}$ acres; lot four, forty $\frac{28}{100}$ acres; the south half of the northwest quarter, eighty
128 acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter one hundred and sixty acres, of section one: lot one, forty $\frac{55}{100}$ acres; lot two, forty $\frac{59}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty $\frac{61}{100}$ acres; lot four, forty $\frac{64}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter one hundred and sixty acres, of section three: lot one, thirty-nine $\frac{62}{100}$ acres; lot two, thirty-nine $\frac{58}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{54}{100}$ acres; lot four, thirty-nine $\frac{50}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{66}{100}$ acres; lot two, thirty-seven $\frac{75}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-seven, $\frac{84}{100}$ acres; lot four, thirty-seven $\frac{93}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; the northwest quarter, one hundred and sixty acres, and the southwest quarter one
129 hundred and sixty acres of section seventeen: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-eight $\frac{50}{100}$; lot two, thirty-eight $\frac{50}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-eight $\frac{61}{100}$ acres; lot four, thirty-eight $\frac{67}{100}$ acres; and the southeast quarter, one hundred and sixty acres of section nineteen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; section twenty nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{23}{100}$; lot two, thirty-nine $\frac{29}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{55}{100}$ acres; lot four, thirty-nine $\frac{41}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section thirty-one: section thirty-three, six hundred and forty acres; and section thirty-five, six hundred and forty acres—all in township thirty-three, range eighteen east.

Lot one, thirty-nine $\frac{98}{100}$ acres; lot two, thirty-nine $\frac{97}{100}$ acres; the south half of the southeast quarter, eighty acres; lot three, thirty-nine $\frac{95}{100}$ acres; lot four, thirty-nine $\frac{94}{100}$ acres; the south half of the
130 northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres of section one: lot one, forty $\frac{10}{100}$ acres; lot two, thirty-nine $\frac{97}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{84}{100}$ acres; lot four, thirty-nine $\frac{71}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres of section three: lot one, thirty-nine $\frac{84}{100}$ acres; lot two, thirty-nine $\frac{97}{100}$ acres; the south half of the northeast quarter,

eighty acres; lot three, forty $\frac{07}{100}$ acres; lot four, forty $\frac{17}{100}$ acres; south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres of section five; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot two, thirty-nine $\frac{61}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{54}{100}$ acres; lot five, thirty-nine $\frac{47}{100}$ acres, and the southeast quarter of section seven, one hundred and sixty acres: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; section seventeen,
131 six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{59}{100}$ acres; lot two, thirty-nine $\frac{56}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{54}{100}$ acres; lot four, thirty-nine $\frac{57}{100}$ acres, and the southeast quarter, one hundred and sixty acres of section nineteen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{07}{100}$ acres; lot two, thirty-nine $\frac{99}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{91}{100}$ acres; lot four, thirty-nine $\frac{83}{100}$ acres, and the southeast quarter, one hundred and sixty acres of section thirty-one: section thirty-three, six hundred and forty acres, and section thirty-five, six hundred and forty acres—all in township thirty-four, range eighteen east.

Lot one, thirty-one $\frac{67}{100}$ acres; lot two, thirty-one $\frac{54}{100}$ acres; lot three, thirty-one $\frac{57}{100}$ acres; lot four, thirty one $\frac{60}{100}$ of section one; lot one, thirty-one $\frac{75}{100}$ acres; lot two, thirty-one $\frac{78}{100}$ acres; lot three, thirty-one $\frac{81}{100}$ acres; and lot one, thirty-two $\frac{01}{100}$ acres; lot two, thirty-two $\frac{04}{100}$
132 acres; lot three, thirty-two $\frac{07}{100}$ acres; lot four, thirty-two $\frac{10}{100}$ acres, of section five—all in township thirty-five, range eighteen east.

The northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-six $\frac{32}{100}$ acres; lot two, thirty-six $\frac{57}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{82}{100}$ acres; lot four, thirty $\frac{07}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: the northwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section twenty-nine: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{50}{100}$ acres; lot two, thirty-seven $\frac{30}{100}$ acres, of section thirty-one—all in township twenty-seven, range twenty east.

The southeast quarter of the southwest quarter, forty acres, of section five, and the northwest quarter of the southwest quarter, forty acres, of section nine—all in township twenty-eight, range twenty east.

Lot five, forty-seven $\frac{73}{100}$ acres; lot six, forty-seven $\frac{68}{100}$ acres; lot seven, forty-seven, $\frac{60}{100}$ acres; and lot eight, forty-seven $\frac{58}{100}$ acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-five: lot five, forty-eight $\frac{27}{100}$ acres; lot six, forty-eight $\frac{33}{100}$ acres; lot seven, forty-eight $\frac{39}{100}$
133 acres; lot eight, forty-eight $\frac{45}{100}$ acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-seven: lot five, forty-eight $\frac{73}{100}$ acres;

lot six, forty-eight $\frac{79}{100}$ acres; lot seven, thirty-seven $\frac{23}{100}$ acres; lot eight, thirty $\frac{12}{100}$ acres; lot nine, thirty $\frac{04}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine: section thirty-three, six hundred and forty acres; and section thirty-five, six hundred and forty acres—all in township twenty-six, range seventeen east.

Lot one, thirty-nine $\frac{88}{100}$ acres; lot two, thirty-nine $\frac{63}{100}$ acres; lot three, thirty-nine $\frac{30}{100}$ acres; lot four, thirty-nine $\frac{13}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-eight $\frac{50}{100}$ acres; lot , thirty-eight $\frac{53}{100}$ acres; lot three, thirty-eight $\frac{40}{100}$ acres; lot four, thirty-eight $\frac{43}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty ; and the southeast quarter, one hundred and sixty acres, of section three: lot one, thirty-nine $\frac{96}{100}$ acres; lot two, thirty-nine $\frac{97}{100}$ acres; lot three, twenty-nine $\frac{45}{100}$ acres; lot four, twenty-nine
134 $\frac{32}{100}$ acres; and lot five, fifty-eight $\frac{24}{100}$ acres; the south half of the northeast quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section five; section nine, six hundred and forty acres; section eleven, six hundred and forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; the west half of the southeast quarter, eighty acres; and the southeast quarter of the southeast quarter, forty acre', of section thirteen: the southwest quarter, one hundred and sixty acre', and the southeast quarter, one hundred and sixty acres, of section fifteen: the northeast quarter, one hundred and sixty acres; lot one, fifty-six $\frac{05}{100}$ acres; lot two, fifty-six $\frac{35}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seventeen—all in township twenty-seven, range seventeen, east.

Lot five, forty-eight $\frac{49}{100}$ acres; lot six, forty-eight $\frac{45}{100}$ acres; lot seven, forty-eight $\frac{41}{100}$ acres; the east half of the southwest quarter, eighty acres; the southwest quarter of the southwest quarter, forty acre'; and the southeast quarter, one hundred and sixty acre', of section twenty-five: lot five, forty-eight $\frac{30}{100}$ acres; the southwest quarter of the southeast quarter, forty acres; lot eight, forty-eight $\frac{12}{100}$ acres, and the east half of the southeast quarter, eighty acres, of section
135 twenty-seven: the west half of the northeast quarter, eighty acres; the southeast quarter of the northeast quarter, forty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{41}{100}$ acres; lot two, thirty-five $\frac{41}{100}$ acres; lot three, thirty-five $\frac{42}{100}$ acres; lot four, thirty-five $\frac{43}{100}$ acres; the east half of the southwest quarter, eighty acre', and the southeast quarter, one hundred and sixty acres, of section thirty-one: the east half of the northeast quarter, eighty acre', of section thirty-three: the northeast quarter, one hundred and sixty acre'; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acre', of section thirty-five—all in township twenty-six, range eighteen east.

Lot one, forty-one $\frac{50}{100}$ acres; lot two, forty $\frac{97}{100}$ acres; lot three, forty $\frac{42}{100}$ acres; lot four, thirty-nine $\frac{87}{100}$ acre'; the south half of the northeast quarter, eighty acres; the southeast quarter of the northwest quarter, forty acres; the east half of the southwest quarter, eighty acres; the southwest quarter of the southwest quarter, forty acres; and the southeast quarter, one hundred and sixty acres, of section one: the south half of the northeast quarter, eighty acres, of section three; lot

two, forty-six $\frac{80}{100}$ acres; the southeast quarter of the northwest quarter, forty acres; lot six, twenty-one $\frac{10}{100}$ acres; and the southwest
136 quarter of the southwest quarter, forty acres, of section five: the northeast quarter, one hundred and sixty acres; lot one, thirty-six $\frac{31}{100}$ acres; lot two, thirty-six $\frac{33}{100}$ acres; lot three, thirty-six $\frac{36}{100}$ acres; lot four, thirty-six $\frac{38}{100}$ acres; the east half of the northwest quarter, eighty acres; the east half of the southwest quarter, eighty acres; the west half of the southeast quarter, eighty acres; the northeast quarter of the southeast quarter, forty acres, of section seven: the west half of the northeast quarter, eighty acres; the southeast quarter of the northeast quarter, forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section nine: section thirteen, six hundred and forty acres; the southwest quarter of the northeast quarter, forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section seventeen—all in township twenty-seven, range eighteen east.

Lot eight, fifty $\frac{88}{100}$ acres; lot seven, fifty-one $\frac{07}{100}$ acres; lot six, fifty-one $\frac{26}{100}$ acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-seven: lot eight, forty-nine $\frac{36}{100}$ acres; lot seven, forty-nine $\frac{55}{100}$
137 acres; lot six, forty-seven $\frac{74}{100}$ acres; lot five, forty-nine $\frac{93}{100}$ acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine: the northeast quarter, one hundred and sixty acres; the east half of the southwest quarter, eighty acres; lot one, thirty-two $\frac{71}{100}$ acres; lot two, twenty-two $\frac{73}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, twenty-two $\frac{75}{100}$ acres; lot four, thirty-two $\frac{77}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section thirty-one: section thirty-three, six hundred and forty acres; the west half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the west half of the southeast quarter, eighty acres, of section thirty-five—all in township twenty-six, range nineteen east.

Lot two, forty-two acres, of section one: lot one, forty-two $\frac{06}{100}$ acres; lot two, forty-one $\frac{97}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty-one $\frac{87}{100}$ acres; lot four, forty-one $\frac{78}{100}$ acres; the south half of the northwest quarter, eighty acres; the southeast quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section five: the northwest quarter, one hundred and sixty acres; the east half of the northwest quarter,
138 eighty acres; lot one, thirty-three $\frac{24}{100}$ acres; lot two, thirty-three $\frac{41}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-three $\frac{55}{100}$ acres; lot four, thirty-three $\frac{69}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section seven; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section nine: the west half of the northeast quarter, and the east half of the northwest quarter, one hundred and sixty acres; the east half of the southwest quarter, eighty acres; the west half of the southwest quarter, eighty acres, of section eleven: the northwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section thirteen; the northwest quarter, one hundred and sixty acres, and the north half of the southwest quarter,

eighty acres, of section fifteen: section seventeen, six hundred and forty acres—all in township twenty-seven, range nineteen east.

Lot one, thirty-five $\frac{25}{100}$ acres; lot two, thirty-five $\frac{35}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-five $\frac{45}{100}$ acres; lot four, thirty-five $\frac{35}{100}$ acres, of section thirty-one, township twenty-six, range twenty east.

Section twenty-one, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the east half of the northwest
139 quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section twenty-three: section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; lot one, fifty-four acres; lot two, fifty-three $\frac{93}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section twenty-nine: section thirty-three, six hundred and forty acres, and section thirty-five, six hundred and forty acres; all in township twenty-seven, range seventeen east.

Lot one, thirty-nine $\frac{95}{100}$ acres; lot two, thirty-nine $\frac{87}{100}$ acres; lot three, thirty-nine $\frac{79}{100}$ acres; lot four, thirty-nine $\frac{71}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one; lot one, thirty-nine $\frac{53}{100}$ acres; lot two, thirty-nine $\frac{63}{100}$; lot three, thirty-nine $\frac{73}{100}$ acres; lot four, thirty-nine $\frac{83}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres of section three: lot one, thirty-nine $\frac{68}{100}$ acres; lot two, thirty-nine $\frac{2}{100}$ acres: lot three, twenty-six $\frac{18}{100}$ acres; lot four, twenty-six $\frac{12}{100}$
140 acres; lot five, fifty-one $\frac{88}{100}$ acres; the south half of the northeast quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; lot one, fifty $\frac{14}{100}$ acres; lot two, forty-nine $\frac{78}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section seventeen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; lot one, forty-seven $\frac{82}{100}$ acres; lot two, forty-seven $\frac{38}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section twenty-nine: section thirty-three, six hundred and forty acres, and section thirty-five, six hundred and forty acres—all in township twenty-eight, range seventeen east.

Lot one, forty $\frac{02}{100}$ acres; lot two, forty $\frac{06}{100}$ acres; lot three, forty $\frac{16}{100}$ acres; lot four, forty $\frac{23}{100}$ acres; the south half of the northwest quarter, eighty acres; the south half of the northeast quarter, eighty acres; the southwest quarter, one hundred and sixty acres; the southeast quarter, one hundred and sixty acres, of section one: lot one, forty $\frac{30}{100}$
141 acres: lot two, forty $\frac{29}{100}$ acres; lot three, forty $\frac{28}{100}$ acres; lot four, forty $\frac{27}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; the southeast quarter, one hundred and sixty acres of section three: lot one, forty $\frac{16}{100}$ acres; lot two,

forty $\frac{68}{100}$ acres; lot three, forty-five $\frac{76}{100}$ acres; lot four, forty-five $\frac{12}{100}$ acres; the south half of the northeast quarter, eighteen acres; and the southeast quarter, one hundred and sixty acres, of section five: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres; lot one, forty-three $\frac{74}{100}$ acres; lot two, forty-three $\frac{22}{100}$ acres; and the southeast quarter, one hundred and sixty acres of section seventeen: *the southeast quarter, one hundred and sixty acres of section seventeen:* the northwest quarter, one hundred and sixty acres: and the southeast quarter, one hundred and sixty acres of section twenty-one; the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; and the southwest quarter, one hundred and sixty acres of section twenty-three: the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the north half of the southwest quarter, eighty acres; and the southeast quarter, one hundred and sixty acres of section twenty-five: the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres of section twenty-seven; the south half of the northeast quarter, eighty acres; lot one, forty one $\frac{49}{100}$ acres; lot two, forty $\frac{75}{100}$ acres of section twenty-nine: the northeast quarter of the northeast quarter, forty acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section thirty-three: the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section thirty-five—all in township twenty-nine, range seventeen east.

142

Lot one, forty $\frac{22}{100}$ acres; lot two, forty $\frac{30}{100}$ acres; lot three, forty $\frac{30}{100}$ acres; lot four, forty $\frac{46}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; and the southeast quarter, one hundred and sixty acres of section three: the northeast quarter, one hundred and sixty acres, and the northwest quarter, one hundred and sixty acres, of section nine: section eleven, six hundred and forty acres: the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres of section thirteen: section fifteen, six hundred and forty acres; section twenty-three, six hundred and forty acres, and section twenty-five, six hundred and forty acres—all in township thirty, range seventeen east.

143

Lot one, forty-one $\frac{46}{100}$ acres; lot two, forty-one $\frac{44}{100}$ acres; lot three, forty-one $\frac{42}{100}$ acres; lot four, forty-one $\frac{40}{100}$ acres; the southeast quarter of the northeast quarter, forty acres, and the east half of the southeast quarter, eighty acres, of section one, in township thirty-one, range seventeen, east.

The northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{06}{100}$ acres; lot two, thirty-seven $\frac{19}{100}$ acres; lot three, thirty-seven $\frac{32}{100}$ acres; lot four, thirty-seven $\frac{45}{100}$ acres; the east half of the southwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres of section nineteen: the north half of the northwest quarter, eighty acres, and the south half of the southwest quarter, eighty acres, of sec-

tion twenty-one: the east half of the southeast quarter, eighty acres, of section twenty-three; the north half of the northeast quarter,
144 eighty acres, and the northwest quarter, one hundred and sixty acres, of section twenty-five: the east half of the northwest quarter, eighty acres, and the west half of the southwest quarter, eighty acres, of section twenty-seven: section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{73}{400}$ acres; lot two, thirty-seven $\frac{97}{100}$ acres; lot three, thirty-seven $\frac{89}{100}$ acres; lot four, thirty-seven $\frac{97}{100}$ acres; the east half of the southwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section thirty-one: section thirty-three, six hundred and forty acres; the southwest quarter of the northwest quarter, forty acres; lot seven, fifty-four acres; the southwest quarter, one hundred and sixty acres, of section thirty-five—all in township twenty-seven, range eighteen east.

Lot three, forty $\frac{01}{101}$ acres; lot four, forty $\frac{01}{100}$ acres; the south half of the northwest quarter, eighty acres; the northeast quarter of the southeast quarter, forty acres, of section one: lot one, forty $\frac{45}{100}$ acres; lot two, forty $\frac{46}{100}$ acres; lot three, forty $\frac{47}{100}$ acres; lot four, forty $\frac{40}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres, of section three: lot one,
145 forty $\frac{75}{100}$ acres; lot two, forty $\frac{67}{100}$ acres; lot three, forty $\frac{50}{100}$ acres; lot four, forty $\frac{57}{100}$ acres; the south half of the northeast quarter, eighty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and eighty acres, and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-eight $\frac{76}{100}$ acres; lot two, thirty-eight $\frac{84}{100}$ acres; lot three, thirty-eight $\frac{93}{100}$ acres; lot four, thirty-nine acres; the east half of the southwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section seven: lot five, forty-one $\frac{20}{100}$ acres; lot six, twenty-one acres; lot seven, fifty-two $\frac{70}{100}$ acres; the southwest quarter of the northwest quarter, forty acres; the southwest quarter, one hundred and sixty acres, and the west half and the southeast quarter of the southeast quarter, one hundred and twenty acres, of section eleven: the northeast quarter, one hundred and sixty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section thirteen: the south half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and fifty acres, and the southeast quarter, one hundred
146 and sixty acres, of section seventeen: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{61}{100}$ acres; lot two, thirty-nine $\frac{72}{100}$ acres; lot three, thirty-nine $\frac{83}{100}$ acres; lot four, thirty-nine $\frac{94}{100}$ acres; the east half of the southwest quarter, eighty acres, and the southeast quarter, one hundred and sixty acres, of section nineteen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; the west half of the northwest quarter, eighty acres, and the west half of the southwest quarter, eighty acres, of section twenty-five: section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, $\frac{40}{100}$ acres; lot two, forty $\frac{39}{100}$ acres; lot three, forty $\frac{31}{100}$ acres; lot four, forty

$\frac{24}{100}$ acres; the east half of the southwest quarter, eighty acres; the southeast quarter, one hundred and sixty acres, of section thirty-one: the northwest quarter of the northeast quarter, forty acres; the northeast quarter of the northwest quarter, forty acres; the west half of the southwest quarter, eighty acres; the southeast quarter of the southwest quarter, forty acres; and the southwest quarter of the southeast quarter, forty acres, of section thirty-three: the southeast quarter of the
147 northeast quarter, forty acres, and the southwest quarter, one hundred and sixty acres, of section thirty-five—all in township twenty-eight, range eighteen east.

Lot one, thirty-nine $\frac{96}{100}$ acres; lot two, thirty nine $\frac{88}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{80}{100}$ acres; lot four, thirty-nine $\frac{72}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-nine $\frac{51}{100}$ acres; lot two, thirty-nine $\frac{53}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{55}{100}$ acres; lot four, thirty-nine $\frac{57}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter, one hundred and sixty acres, of section three: the south half of the northeast quarter, eighty acres; the southeast quarter of the northwest quarter, forty acres; the southwest quarter, one hundred and sixty acres, and the southeast quarter one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{19}{100}$ acres; lot two, forty $\frac{20}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, forty $\frac{25}{100}$ acres; lot four, forty $\frac{28}{100}$ acres, and
148 the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres, and the southwest quarter, one hundred and sixty acres, of section eleven: section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; section seventeen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, forty $\frac{09}{100}$ acres; lot two, forty $\frac{07}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, forty $\frac{05}{100}$ acres; lot four, forty $\frac{03}{100}$ acres, and the southeast quarter, one hundred and sixty acres, of section nineteen: section twenty-one, six hundred and forty acres; section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{54}{100}$ acres; lot two, thirty-nine $\frac{42}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section thirty-one: s ction thirty-three, six hundred and forty acres;
149 and section thirty, *fifteen*, six hundred and forty acres—all in township twenty-nine, range eighteen east.

Lot one, forty $\frac{02}{100}$ acres; lot two, forty $\frac{02}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty $\frac{02}{100}$ acres; lot four, forty $\frac{02}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section one: lot one, thirty-nine $\frac{76}{100}$ acres; lot two, thirty-nine $\frac{78}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{80}{100}$ acres; lot

four, thirty-nine $\frac{82}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: lot one, forty $\frac{28}{100}$ acres; lot two, forty $\frac{25}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty $\frac{22}{100}$ acres; lot four, forty $\frac{19}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{61}{100}$ acres; lot two, thirty-nine $\frac{63}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-nine $\frac{65}{100}$ acres; lot four, thirty-nine $\frac{67}{100}$ acres; and
150 the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres of section eleven: section thirteen, six hundred and forty acres; section fifteen, six hundred and forty acres; section seventeen, acres; the east half of the northwest quarter, eighty acres; lot one, thirty-nine $\frac{94}{100}$ acres; lot two, thirty-nine $\frac{49}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, forty $\frac{64}{100}$ acres; lot four, forty $\frac{09}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section nineteen: the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; and the southwest quarter, one hundred and sixty acres, of section twenty-one: section twenty-three, six hundred and forty acres: section twenty-five, six hundred and forty acres; section twenty-seven, six hundred and forty acres; section twenty-nine, six hundred and forty acres: the northeast quarter, one hundred and sixty acres: the east half of the northwest quarter, eighty acres; lot one, forty $\frac{25}{100}$ acres; lot two, forty $\frac{18}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, forty $\frac{11}{100}$ acres; lot four forty $\frac{04}{100}$ acres; and the southeast quarter,
151 one hundred and sixty acres, of section thirty-one: the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section thirty-three: the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; and the southwest quarter, one hundred and sixty acres, of section thirty-five—all in township thirty, range eighteen east.

Lot one, forty-one, $\frac{20}{100}$ acres; lot two, forty-one $\frac{35}{100}$ acres; the south half of the northeast quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section one: lot one, forty-one $\frac{48}{100}$ acres; lot two, forty-one $\frac{45}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty-one $\frac{42}{100}$ acres; lot four, forty-one $\frac{39}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: lot forty-one, one $\frac{82}{100}$ acres; lot two, forty-one $\frac{86}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, forty-one $\frac{90}{100}$ acres; lot four, forty-one $\frac{94}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southwest quarter, one hundred and
152 sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{11}{100}$ acres; lot two, thirty-five $\frac{13}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-five $\frac{15}{100}$

acres; lot four, thirty-five $\frac{17}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres; section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres: section fifteen, six hundred and forty acres; section seventeen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-one: section twenty-three, six hundred and forty acres; section twenty-five, six hundred and forty acres: section twenty-seven, six hundred and forty acres; the north half of the northeast quarter, eighty acres; and the southwest quarter, one hundred and sixty acres, of section thirty-three: and section thirty-five, six hundred and forty acres—all in township thirty-one, range eighteen east.

Lot one, thirty-nine $\frac{90}{100}$ acres; lot two, thirty-nine $\frac{99}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{99}{100}$ acres; lot four, thirty-nine $\frac{99}{100}$ acres; the south half of the north
west quarter, eighty acres; the southwest quarter, one hundred
153 and sixty acres, and the southeast quarter, one hundred and sixty acres, of section one: lot one, forty $\frac{32}{100}$ acres; lot two, forty $\frac{29}{100}$ acres; the south half of the northeast quarter, eighty acres lot three, forty $\frac{26}{100}$ acres; lot four, forty $\frac{23}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty , of section three: Section eleven, six hundred and forty acres; section thirteen, six hundred and forty acres; the northeast quarter, one hundred and sixty acres, of section twenty-three; the northeast quarter, one hundred and sixty acres; the northwest quarter, one hundred and sixty acres; the north half of the southwest quarter, eighty acres; and the north half of the southeast quarter, eighty acres, of section twenty-five—all in township thirty-two, range eighteen east.

The northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-four $\frac{32}{100}$ acres; lot two, thirty-four $\frac{48}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-four $\frac{65}{100}$ acres; lot four, thirty-four $\frac{81}{100}$ acres; and the southeast quarter, one hundred and sixty acres, of sections nineteen:
the northeast quarter, one hundred and sixty acres: the northwest
154 quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; the west half and the northeast quarter of the southeast quarter, one hundred and twenty acres, of section twenty-one: section twenty-three, six hundred and forty acres; the east half of the northeast quarter, eighty acres; the south half of the southwest quarter, eighty acres; the west half of the southeast quarter, eighty acres, of section twenty-five: the northeast quarter, one hundred and sixty acres; the east half and the southwest quarter of the northwest quarter, one hundred and twenty acres; the east half and the northwest quarter of the southwest quarter, one hundred and twenty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-seven: the southwest quarter of the northeast quarter, forty acres; the northwest quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine; the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-five $\frac{25}{100}$ acres; lot two, thirty-five $\frac{46}{100}$ acres: the east half of the southwest quarter, eighty acres; lot three, thirty five $\frac{67}{100}$ acres; lot four, thirty-five $\frac{88}{100}$ acres, of section thirty-one: the east half of the southeast quarter, eight acres, of section thirty-

three: the south half of the southwest quarter, eighty acres,
155 and the south half of the southeast quarter, eighty acres, of section twenty-five—all in township twenty-seven, range nineteen east.

Lot one, forty $\frac{06}{100}$ acres; lot two, forty $\frac{10}{100}$ acres; the south half of the northeast quarter, eighteen acres, of section one: lot three, forty $\frac{35}{100}$ acres; lot four, forty $\frac{25}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty; and the southeast quarter, one hundred and sixty acres, of section three: lot two, forty $\frac{08}{100}$ acres; the south half of the northeast quarter, eighty acres; the west half and the southeast quarter of the southwest quarter, one hundred and twenty acres, of section five: lot seven, fifty-three $\frac{20}{100}$ acres; lot eight, fifty $\frac{90}{100}$ acres; lot nine, thirty-six $\frac{65}{100}$ acres; lot ten, thirty-six $\frac{59}{100}$ acres; the east half of the southwest quarter, eighty acres; the west half and the southeast quarter of the southeast quarter, one hundred and twenty acres, of section seven: the west half of the southwest quarter of the southeast quarter, one hundred and twenty acres, of section thirteen; the northeast quarter, one hundred and sixty acres; the west half of the southeast quarter, eighty acres, of section fifteen: the northeast quarter, one hundred and sixty acres; the southwest quarter, one hundred and sixty acres; and the southeast
156 quarter, one hundred and sixty acres, of section seventeen: the west half of the northeast quarter, eighty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-seven $\frac{22}{100}$ acres; lot two, thirty-seven $\frac{24}{100}$ acres; lot three, thirty-seven $\frac{26}{100}$ acres; lot four, thirty-seven $\frac{28}{100}$ acres, of section nineteen: the southwest quarter of the northwest quarter, forty acres, and the south half of the southwest quarter, eighty acres, of section twenty-one: the west half and the southeast quarter of the southwest quarter, one hundred and twenty acres, and the southwest quarter of the southeast quarter, forty acres, of section twenty-five: the northwest quarter of the southwest quarter, forty acres, of section twenty-seven; the northeast quarter, one hundred and sixty acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section twenty-nine: the east half of the northwest quarter, eighty acres; lot one, thirty-six $\frac{62}{100}$ acres; lot two, thirty-six $\frac{47}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{32}{100}$ acres; lot four, thirty-six $\frac{17}{100}$ acres; the southeast quarter, one hundred and sixty acres, of section thirty-one: the west half of the northeast quarter, eighty acres; the northwest quarter, one hundred and sixty acres; the southwest
157 quarter, one hundred and sixty acres; the south half of the southeast quarter, eighty acres, of section thirty-three: lot one, twenty-seven $\frac{20}{100}$ acres; lot two, fifty six $\frac{20}{100}$ acres; the southwest quarter of the southwest quarter, forty acres, of section thirty-five—all in township twenty-eight, range nineteen east.

The south half of the southwest quarter, eighty acres, of section one: lot one, thirty-nine $\frac{35}{100}$ acres; lot two, thirty-nine $\frac{37}{100}$ acres; the south half of the northeast quarter, eighty acres; lot three, thirty-nine $\frac{39}{100}$ acres; lot four, thirty-nine $\frac{41}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; and the southeast quarter, one hundred and sixty acres, of section three: lot three, thirty-nine $\frac{58}{100}$ acres; lot four, thirty-nine $\frac{59}{100}$ acres; the south half of the northwest quarter, eighty acres; the southwest quarter, one hundred and sixty acres; the southeast quarter, one hundred and sixty acres, of section five: the northeast quarter, one hundred and sixty acres; the east half of the north-

west quarter, eighty acres; lot one, thirty-six $\frac{45}{100}$ acres; lot two, thirty-six $\frac{55}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-six $\frac{65}{100}$ acres; lot four, thirty-six $\frac{75}{100}$ acres; the southeast quarter, one hundred and sixty acres, of section seven: section nine, six hundred and forty acres: the southeast quarter, one hundred and sixty acres, of section thirteen: the north half of the northeast
158 quarter, eighty acres; the southwest quarter, one hundred and sixty acres; the south half of the southeast quarter, eighty acres, of section fifteen: section seventeen, six hundred and forty acres: the northeast quarter, one hundred and sixty acres; the east half of the northwest quarter, eighty acres; lot one, thirty-six $\frac{88}{100}$ acres; lot two, thirty-seven $\frac{04}{100}$ acres; the east half of the southwest quarter, eighty acres; lot three, thirty-seven $\frac{20}{100}$ acres; lot four, thirty-seven $\frac{36}{100}$ acres; the southeast quarter, one hundred and sixty acres of section nineteen: the northeast quarter, one hundred and sixty acres and the northwest quarter, one hundred and sixty acres, of section twenty-one—all in township twenty-nine, range nineteen east.

Now know ye that the State of Kansas, in consideration of the premises, and in conformity with said laws, has given and granted, and by these presents does give and grant, unto the Leavenworth, Lawrence and Galveston Railroad Company, and assigns, the said tracts above described, to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatever nature accruing under the provisions of the laws relating thereto.

In testimony whereof I, James W. Harvey, governor of the State of Kansas, have caused these letters to be made patent and the seals of the State to be hereunto affixed.

Given under my hand at the city of Topeka, the eighth day of
159 April, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States the ninety-sixth, and of the twelfth year of the State.

By the Governor: JAMES M. HARVEY.

[SEAL OF ST. OF KAS.] M. N. SMALLWOOD,
Secretary of State.

This instrument was filed for record on the 2d day of July, A. D. 1872, at the hour of 6 o'clock p. m.

I. W. PATRICK,
Register of Deeds, Labette Co., Kas.

This instrument is recorded in book "F," deeds, from page 585 to 600.

STATE OF KANSAS,
County of Labette, ss:

I, I. W. Patrick, register of deeds in and for said county, do hereby certify that the foregoing is a true and correct copy of the original patent, No. 1, from the State of Kansas to the Leavenworth, Lawrence and Galveston Railroad, as recorded in my office.

160 Given under my hand and official seal at Oswego, this 17th day of February, A. D. 1874.

[SEAL.] I. W. PATRICK,
Register of Deeds.

And on this day, to wit, February 25th 1874, a chancery subpœna issued out of the said clerk's office against the said defendant in the said entitled cause; which said subpœna and endorsements is in the words and figures following, to wit:

Chancery subpœna.

UNITED STATES OF AMERICA,
District of Kansas, ss:

The United States of America to the Leavenworth, Lawrence and Galveston Railroad Company, greeting:

We command you and every of you that you appear before our judge of our circuit court of the United States of America for the district of Kansas, at the city of Topeka, in said district on the first Monday in the month of April next, to answer the bill of complaint of the United States of America, this day filed in the clerk's office of said court in said city of Topeka, then and there to receive and abide by such judgment and decree, as shall then or thereafter be made, upon pain of judgment being pronounced against you by default. To the marshal of the district of Kansas to execute.

161 Witness the Hon. Nathan Clifford, presiding justice of the Supreme Court of the United States of America, at the city of Topeka, in said district, this 25th day of February in the year of our Lord one thousand eight hundred and seventy-four.

[SEAL.] A. S. THOMAS, *Clerk.*

MEMORANDUM.—The above-named defendant is notified that unless it enters its appearance in the clerk's office of said court, at the city of Topeka, aforesaid, on or before the day to which the above writ is returnable, the complaint will be taken against it as confessed, and a decree entered accordingly.

A. S. THOMAS, *Clerk.*

(Endorsed:) No. 965. Circuit court United States, district of Kansas. The United States vs. Leavenworth, Lawrence and Galveston Railroad Company. Chancery subpœna returnable to rule-day, first Monday in April, A. D. 1874. A. S. Thomas, clerk. Filed Feb. 25, A. D. 1874. A. S. Thomas, clerk. George R. Peck, U. S. atty. for Kansas & complts. sol.

Service of the within subpœna accepted this 25th day of February, 1874.

S. O. THACHER,
Att'y for the Leavenworth, Lawrence and Kansas Railroad Company.

Appearance of defendant.

And on this day, to wit, February 25, 1874, came the defendant, by Solon O. Thacher, its solicitor, and entered its appearance in the said clerk's office in the said entitled suit; which said appearance is in the words and figures following, to wit:

(Order-book, fo. 126.)

162 THE UNITED STATES
vs.
LEAVENWORTH, LAWRENCE AND GALVESTON Railroad Co. } 965. In equity.

Now comes the defendant herein by Solon O. Thacher, its solicitor,

and enters its appearance in this cause and to the bill of complaint filed herein.

And on this day, to wit, March 19, 1874, came the said defendant, by S. O. Thacher, its solicitor, and filed in the said clerk's office its answer in the said entitled suit; which said answer is in the words and figures following, to wit:

Answer.

In the circuit court of the United States sitting in and for the district of Kansas, in chancery.

THE UNITED STATES OF AMERICA
vs.
THE LEAVENWORTH, LAWRENCE AND GALVESTON Railroad Company.

The answer of the Leavenworth, Lawrence & Galveston Railroad Company to the bill of complaint of the United States of America, plaintiff.

This defendant, saving to itself now and at all times hereafter all and all manner of benefit or advantage of exception or otherwise that can or may be had or taken to the many errors, uncertainties, and imperfections in the said bill contained, for answer thereto or to so much thereof as this defendant is advised it is necessary or material for it to make answer to, answering, saith:

That it admits that a tribe or tribes or nation of Indians known
163 as the Great and Little tribes of Osage Indians were in the actual occupancy and possession of the lands mentioned in said bill of complaint, for a long time prior to October 30th, 1863, and that said nation or tribe or tribes of Osage Indians, had so occupied said lands since about the tenth day of November, 1808, or longer, and that said lands were reserved to and for said Osage Indians, under the name of "The Great and Little Osage tribes or nations," so long as they might choose to occupy the same, by treaty made on the second day of June, 1825, and proclaimed on the 30th day of December, 1825; that said occupation of said lands so reserved to said Indians, continued until after a treaty made between said Indians and the plaintiff herein, on the 29th day of September, 1867, to which treaty and the provisions thereof this defendant prays leave to refer in order to show the right and interest acquired by the said plaintiff thereby in the aforesaid lands, as well as any other rights acquired, recognized, or affirmed by or to the State of Kansas therein, and any other matter or thing material to the case of the defendant therein. And this defendant submits to the court to determine from the said treaty what interest the said plaintiff thereby acquired or otherwise thereupon held in the said lands. And defendant charges and insists the truth to be that, plaintiff thereby obtained an interest in said lands by said treaty, a part of which lands enured to the benefit of this defendant, as hereinafter more fully and particularly set forth.

And this defendant, further answering, shows that, on the third
day of March, 1863, the said plaintiff, by act of Congress on
164 that day duly approved, granted to the State of Kansas, for the purpose of aiding in the construction of a railroad and telegraph from the city of Leavenworth, by the way of Lawrence, and by the way of the Ohio City crossing of the Osage River, to the southern

line of the State of Kansas, and in the direction of Galveston Bay, in the State of Texas, every alternate section of the lands so conveyed by the treaty last aforesaid mentioned from said Great and Little Osage Indians to the said plaintiff, designated by odd numbers for ten sections in width on each side of the said road, to aid in the building of which said lands were thereby granted. That, by the terms of said act, said grant was not to become operative or pass title to any lands until the line of the railroad therein provided for was by survey and location definitely fixed and located. And this defendant, further answering, shows that it is, and during the whole period of time since the act of Congress last aforesaid was enacted has been, a corporation duly chartered, existing and doing business within the State of Kansas, and as such corporation duly authorized and empowered to build, maintain, and operate a railroad and telegraph from Leavenworth, in the State of Kansas, by the way of Lawrence, and by the way of Ohio City crossing of the Osage River, to the southern line of the State, in the direction of Galveston Bay, in the State of Texas, and within the State of Kansas. That the original chartered name of this defendant was the

"Leavenworth, Lawrence and Fort Gibson Railroad and tele-
165 graph Company," which name was afterwards duly changed to that of "The Leavenworth, Lawrence and Galveston Railroad Company," by which last name it is now known, and holds all the property, rights, and franchises, as well of the said Leavenworth, Lawrence & Fort Gibson Railroad and Telegraph Company, as those acquired under its present name, and that the lands mentioned, and particularly described in the schedule to said plaintiffs' bill of complaint, were the odd sections of land within ten miles on either side of this defendant's railroad as afterwards located and built, and are on the route and along the line of railroad intended to be built by the act of Congress hereinafter mentioned.

And this defendant, further answering, shows that the State of Kansas, by its legislature, on the 9th day of February, 1864, by act duly approved on that day, said act being entitled an act to accept a grant of lands made to the State of Kansas by the Congress of the United States to aid in the construction of certain railroads and telegraphs, did accept of said grant of lands upon the terms and conditions set forth in said act of Congress, and that by said act of the State of Kansas, the said State duly assigned, sold, and granted to the said Leavenworth, Lawrence and Galveston Railroad Company, under their former name aforesaid, in consideration of its constructing a railroad and telegraph from Leavenworth, by way of Lawrence via the Ohio City crossing of the

Osage River, to the southern line of the State of Kansas, in the
166 direction of Galveston Bay, in the State of Texas, applicable to the construction of the railroad and telegraph along the line just indicated, and by said act agreed to convey the title by patent to said company, this defendant, as fast as it should complete any consecutive twenty miles of railroad and telegraph along said line, the lands lying within the limits of the said grant, to wit, within ten miles of said line of railroad and opposite the said railroad and telegraph so built, and which are the same lands described by odd-numbered sections in the schedule attached to the said plaintiffs' bill of complaint.

And this defendant, further answering, shows that within the line prescribed and in conformity with said act of the legislature of the State of Kansas, this defendant accepted the provisions of said act and filed a duly certified copy of such acceptance under the seal of this defendant with the secretary of state of the State of Kansas, and afterwards, and

before the third day of March, 1872, constructed its railroad and telegraph in all respects in conformity with the provisions of said act of Congress and the said act of the legislature of the State of Kansas, from the city of Lawrence to the south line of the State on the line or route indicated by said acts, a distance of about one hundred and fifty miles.

And this defendant, further answering, shows to the court that said railroad from Leavenworth southward in the direction of Galveston Bay, in the State of Texas, was projected through a wild and mostly unsettled country, although most of the lands lying north of the
167 tract of land described in plaintiffs' bill of complaint as being ceded by the Osage Indians to the plaintiff had been sold by the said plaintiff, or the title had been otherwise disposed of so that the same could not be used or applied to the purpose of assisting or building a railroad; that the Congress of the United States deemed the development and settlement of said tract of country of great public benefit and advantage, and in order to assist in such development and settlement, made the grant of lands aforesaid, and to secure the application thereof to such purpose provided that said grant should not be operative until the actual survey and location of such road; that said road being projected through a sparsely settled country would not soon be remunerative to its builders, and could not be built except by governmental aid, and that said plaintiff provided satisfactorily to itself for re-imbursement for such aid by doubling the price of the even-numbered sections of land within the limits of said district containing the lands granted to this defendant; that this defendant being thereto induced by the said acts of the said plaintiff, and of the said State of Kansas, proceeded to and did, in the month of November, 1867, and not before that time, make an actual survey upon the ground and location of their said road, and definitely fixed the line and route thereof; and afterwards and on the 7th day of December, 1867, duly filed with the governor of the State of Kansas, a map of such location and survey, duly verified by the chief engineer of this defendant, and duly
168 certified to be correct by this defendant's executive officers; and that afterwards, and on the 2nd day of January, 1868, this defendant also filed with the Commissioner of General Land-Office of the United States, a map of such location and survey, duly verified and certified as aforesaid; and that, on the 21st day of January, 1868, the Secretary of the Interior of the United States, withdrew said lands in the schedule to the said plaintiffs' petition mentioned, from market, and public entry and sale, and directed the register and receiver of the land-district in which they were situated to withdraw said lands, together with other odd-sectioned lands lying within ten miles of either side of said line of definitely fixed railroad from market or sale, and that said withdrawal by said Secretary of the Interior, was in pursuance of law, and for and on behalf of said railroad company, and in fulfilment of the obligation of the said plaintiff; that the said map of location and survey, so filed with the Commissioner of the General Land-Office of the United States, was duly attested by the secretary of state of the State of Kansas, under the great seal of said State, endorsed upon the map so filed.

And this defendant, further answering, shows that immediately after its said survey and location of its line of road, it proceeded to build said road and telegraph; and that before the first day of October, 1871, it had built and completed the same in all respects as required by said act of Congress, and had the same fully equipped and in operation from the city of Lawrence to the south line of the State of Kansas,

169 on the line and route indicated by the said *said* act of Congress and for a distance of about one hundred and fifty miles; that thereupon the governor of the State of Kansas, after having personally inspected said road and telegraph, certified to the Secretary of the Interior the completion of the same through the whole of said lands, in accordance with the provisions of said act of Congress, which certificate was satisfactory evidence to said Secretary that said defendant had completed, in a good, substantial, and workmanlike manner, as a first-class railroad, the said road through the whole of said lands so specified in said plaintiff's bill of complaint, and being about fifty miles in length through said lands, and that the State of Kansas had complied in good faith with the requirements of the said act of Congress, and thereupon the said Secretary of the Interior duly certified to the governor of the State of Kansas the lands said State was entitled to under and by virtue of the act of Congress aforesaid, a copy of which certificate, excepting the description of lands therein contained (and which description is contained in the schedule attached to said plaintiff's bill of complaint and hereby admitted to be correct) is hereto attached and marked "A" and made a part of this answer.

And this defendant, further answering, shows that upon the certification of said lands to him, the governor of said State of Kansas, on behalf of said State and in fulfillment of its obligation in that behalf to this defendant, duly granted and issued patents to this defendant for said odd-numbered sections of land, which patents this defendant

170 caused to be recorded, and the same were duly recorded in the proper offices in the counties in which said lands were situated, and from such recording were record-evidence of the title in these defendants in and to the premises therein mentioned. And this defendant further shows that after the issuing and recording of said patents the said State of Kansas proceeded to, and did levy annual taxes upon the whole of the lands so granted and conveyed for State, county, municipal, and educational purposes, and which taxes for the year 1872 alone amounted to the full sum of fifty thousand dollars, and were paid by this defendant in full faith that by reason of the premises they were both at law and in equity the owners of said lands.

And this defendant further answering shows that after it had built its said road within said tract of land to the town of Thayer, which is about half of the distance through the same, the said plaintiff, by act of Congress, passed April 19th, 1871, expressly acknowledged the validity of the grant of said lands to this defendant, and authorized this defendant to relocate its said road south of said town of Thayer, and within the limits of said grant, and that both said plaintiff and the said State of Kansas, by their public acts and by the taxing of said lands, have recognized and acknowledged the interest and title of this defendant in and to the said lands, and to each and every part thereof. And this defendant, further answering, shows that after the treaty so made with the said Osage Indians mentioned in the said plaintiff's bill,

171 and before the proclamation thereof, the said plaintiff caused said treaty with said Indians to be amended, and in the said amendment thereof definitely recognized and affirmed the grant of the said lands in said schedule to said plaintiff's bill, set forth to the said State of Kansas, and definitely recognized and affirmed the title to said lands which the defendant claims therein; and said treaty expressly provided that said lands should be appropriated for the building of this defendant's said road, as hereinbefore specifically stated and set forth; and that after such recognition and affirmation, and on the 21st day of

January, 1867, said treaty, with the consent of the contracting parties, was duly proclaimed and became the law of the land.

And this defendant, further answering, admits that the said plaintiff, by act of Congress passed July 26th, 1866, granted lands to the State of Kansas to aid in the construction of the Union Pacific Railway, southern branch, as alleged in said plaintiff's bill, and that both this defendant and said Union Pacific Railway, southern branch, have built lines of railroad to the south line of the State of Kansas, which lines cross each other near the northern boundary of the lands in controversy, and thence run nearly parallel to the south bounds of the State; but this defendant denies that no part of said lands were applied to the construction of its said road by the State of Kansas in the manner provided in said act; but, on the contrary thereof, this defendant alleges that the same
172 were applied as hereinbefore expressly alleged and stated.

And this defendant, further answering, shows that, after the grant of said lands to it as aforesaid, being largely indebted for the cost of building said railroad and telegraph, this defendant, in order to raise money to pay its said indebtedness, duly mortgaged to the Farmers' Loan and Trust Company of New York City the whole of said lands so granted to it as aforesaid to secure the bonds of this defendant thereupon also issued for about the sum of five millions of dollars; that said bonds were, by the said Farmers' Loan and Trust Company, negotiated in good faith and for valuable considerations in money to divers and various parties, who purchased the same upon the faith of the plaintiff's several acts and the acts of the State of Kansas.

And this defendant submits to this honorable court that none of the matters in said plaintiff's bill mentioned and complained of are matters in respect to which the plaintiff is entitled to relief in a court of equity, and this defendant asks to have the same benefit of defence thereto as if it had demurred to said plaintiff's bill.

And this defendant denies all and all manner of unlawful combination and confederacy wherewith it is charged in and by the said bill, and it denies each and every allegation of the said bill not hereinbefore admitted or expressly denied. All which matters this defendant is ready and willing to aver, maintain, and prove as this honorable court
173 shall direct; and it humbly prays to be hence dismissed, with its reasonable costs and charges in this behalf most wrongfully sustained.

S. O. THACHER,
Defendant's Sol.

N. T. STEPHENS, *of Counsel.*

(Endorsed:) 965. The United States of America vs. The Leavenworth, Lawrence & Galveston Railroad Company. Answer. Filed Mar. 19, 1874. A. S. Thomas, clerk.

(To the foregoing answer is attached the following stipulation:)

U. S. circuit court, district of Kansas.

THE UNITED STATES OF AMERICA
vs.
THE LEAVENWORTH, LAWRENCE & GALVESTON Railroad Company.

Waiver of answer, under oath, is hereby stipulated in this case, and the defendant's answer shall be sufficient if signed by its solicitor only.

GEO. R. PECK,
Compt. Sol.

And on this day, to wit, March 21, 1874, came the said complainant, by George R. Peck, its solicitor, and filed in the said clerk's office its replication in the said entitled suit; which said replication, with endorsements thereon, is in the words and figures following, to wit:

Replication.

In the circuit court of the United States, district of Kansas, 8th circuit.

THE UNITED STATES OF AMERICA
vs.
THE LEAVENWORTH, LAWRENCE AND GALVESTON Railroad Company. } In equity.

174 The replication of the United States of America, complainant, to the answer of the Leavenworth, Lawrence and Galveston Railroad Company, defendant.

This repliant, saving and reserving unto itself, now and at all times hereafter, all, and all manner of, benefit and advantage of exception which may be had or taken to the manifold insufficiencies of the said answer, for replication thereunto says that it will aver, maintain, and prove its said bill of complaint to be true, certain, and sufficient in law to be answered unto; and that the said answer of the said defendant is uncertain, untrue, and insufficient to be replied unto by this repliant; without this, that any other matter or thing whatsoever in the said answer contained, material or effectual in the law to be replied unto, and not herein and hereby well and sufficiently replied unto, confessed or avoided, traversed or denied, is true; all which matters and things this repliant is and will be ready to aver, maintain, and prove as this honorable court shall direct, and humbly prays as in and by its said bill it has already prayed.

GEO. R. PECK,
United States Attorney, District of Kansas,
Complainant's Solicitor.

(Endorsed:) 965. The United States vs. Leavenworth, Lawrence and Galveston R. Rd. Co. Replication. Filed M'ch 21, 1874. A. S. Thomas, clerk.

Answer of Farmers' Loan and Trust Co.

And now, on this day, to wit, June 3rd, 1874, came the Farmers' Loan and Trust Co., by S. O. Thacher, its solicitor, and filed in the said clerk's office its answer to the bill of complaint in the said entitled suit;
175 which said answer and exhibit thereto is in the words and figures following, to wit:

In the circuit court of the United States for the district of Kansas.

THE UNITED STATES OF AMERICA
vs.
THE LEAVENWORTH, LAWRENCE AND GALVESTON Railroad Company.

And now comes the Farmers' Loan and Trust Company, by consent

of the parties to the above-entitled suit, and makes answer to the bill of complaint herein, and says:

That it is a corporation created by and existing under the laws of the State of New York, and located at the city of New York, and by its charter authorized to act as trustee in receiving titles to real estate mortgaged to secure sums of money in such conveyances mentioned, and to sell and negotiate evidences of indebtedness secured by such conveyances; that this defendant adopts the allegations and averments by its codefendant, the Leavenworth, Lawrence & Galveston Railroad Company, in its answer set forth; and, in addition thereto, this defendant expressly avers that its codefendant did, as it has in its answer alleged and set forth, make and execute to this defendant, as trustee, a mortgage on all its, the said codefendant's, property, including the lands in the schedule to the bill of complaint attached, a copy of which mortgage or deed of trust is hereto attached, marked "A," and made part of this answer; and this defendant avers that it did accept of the trust in said mortgage defined and created, and that the said mortgage, with this defendant's
176 acceptance of such trust, was duly recorded in the counties of Neosho and Labette, during the months of July and August, 1869; and that thereafter the bonds or evidences of indebtedness, thereby secured to the amount of five millions of dollars, were put on the market and sold to various parties for value received; and this defendant further avers that the great body of lands mentioned in said mortgage are those mentioned in the bill of complaint; that north of these lands the title to the lands, which the said railroad company was to secure by the building of its railroad, largely failed by reason of prior disposition thereof, under the homestead and pre-emption laws of the United States; that the said railroad company duly obtained of such lands, north of these in question acres; and that the security for these lands so issued and sold is dependent to a very great extent on the validity of the title claimed to the lands in the bill of complaint mentioned of the said railroad company; and this defendant avers that it accepted said trust in the full belief that the title to the lands in question under the laws of Congress and the acts of the complainant would come to the said railroad company, on its compliance with the law of Congress in building its railroad and telegraph line; and that the holders of said lands will suffer great loss if the security therefor shall be diminished, as the complainant seeks to do.

Wherefore this defendant prays that its rights on the lands in
177 the bill of complaint described and the rights of the holders of said bonds may be protected, and that the plaintiff's bill be dismissed, and for such other relief as may be equitable and just.

S. O. THACHER,
For Deft.

(Endorsed:) U. S. circuit court, district of Kansas. United States of America vs. the Leavenworth, Lawrence and Galveston Railroad Company. Answer of the Farmers' Loan and Trust Co.

A.

This indenture, made this first (1st) day of July, in the year of our Lord one thousand eight hundred and sixty-nine, (1869,) between the Leavenworth, Lawrence and Galveston Railroad Company, a corpora-

tion duly organized under and in accordance with the laws of the State of Kansas, party of the first part, and the Farmers' Loan and Trust Company, a corporation duly incorporated and organized under the laws of the State of New York, and by its charter authorized to take and execute trusts of the nature herein created, party of the second part, witnesseth:

That whereas the said Leavenworth, Lawrence and Galveston Railroad Company, pursuant to the terms of the statutes and acts of the legislature of the said State of Kansas creating it, and of the organization of said company under and in accordance therewith, is engaged in constructing a railroad from Lawrence, in the county of Douglas, and State of Kansas, southwards through the counties of Franklin, Anderson, Allen, Neosho, and Labette, to the south line of the said State of Kansas, and has already constructed, and has now in
178 operation, from Lawrence southward twenty-five miles of its said railroad, and has graded and prepared the road-bed for the iron to Garnett, a further distance of about twenty-five miles, and will soon have the same in operation;

And whereas by an act of Congress entitled "An act for the grant of lands to the State of Kansas in alternate sections to aid in the construction of certain railroads and telegraphs in said State," approved March 3rd, 1863, and a treaty between the United States of America and the Great and Little Osage Indians, concluded September 9, 1865, and approved by the Senate, and proclaimed January 21, 1867, and an act of the legislature of the State of Kansas entitled "An act to accept a grant of lands made to the State of Kansas by the Congress of the United States to aid in the construction of certain railroads and telegraphs in said State, and to apply the same to the construction of said roads and telegraphs," approved February 9, 1864, there were granted to the said railroad company, to aid in the construction of its said railroad, the alternate sections of land lying within a distance of ten miles on either side of its said railroad, with the right to make up for any of such lands as had been theretofore disposed of or claimed by exemption under the laws of the United States out of the odd sections lying on each side of said railroad, and within a distance of twenty miles of its said line, which said lands have been reserved from sale by the General Government, and in virtue of the treaties and acts aforesaid have become
179 the property of said railroad company, and are and will be in the possession of said company as fast as its railroad shall be constructed through the same, and amounting in the aggregate to about six hundred thousand acres;

And whereas, by an act of the legislature of the State of Kansas, entitled "An act providing for the sale of public lands to aid in the construction of certain railroads," approved February 23d, 1866, there was granted to the said railroad company the further amount of one hundred and twenty-five thousand acres of land, with the proceeds thereof when sold, and which last-mentioned lands have been duly conveyed to said company by the said State of Kansas;

And whereas certain of the counties along the line of the said Leavenworth, Lawrence and Galveston Railroad have issued and agreed to issue their bonds to said company to aid it in the construction of its said railroad as follows: The county of Douglas has issued and agreed to deliver to said company its bonds to the amount of three hundred thousand dollars; the county of Franklin, its bonds to the amount of two hundred thousand dollars; the county of Anderson, its bonds to the amount of two hundred thousand dollars; and the county of Allen, one

hundred & twenty-five thousand; making in the aggregate of said bonds now issued and agreed to be issued and delivered to said company the sum of eight hundred and twenty-five thousand dollars; the said county of Allen is expected to increase its amount to two hundred thousand dollars, and the counties of Neosho and Labette may and are expected in like manner to issue and deliver to said company county bonds
180 to aid in the construction of said road, all of which said bonds bear interest at the rate of seven per cent. per annum, payable annually, and are to be delivered to said company as fast as said railroad is constructed through said respective counties;

And whereas the said railroad company is desirous of borrowing money for the purpose of constructing and equipping its said road and paying its obligation for and taxes upon its said property and lands, and defraying all the necessary expenses of right of way, transportation, and all other charges connected with building, equipping, and operating said railroad and all the various appendages and appurtenances connected and to be connected therewith, and has resolved to execute and issue the bonds of said company in sums of one thousand dollars each, bearing date the first day of July, A. D. one thousand eight hundred and sixty-nine, (1869,) and bearing interest at the rate of ten per cent. per annum, free of Government revenue or other tax, and payable semi-annually, with both principal and interest payable in the city of New York, to an amount which shall not in the aggregate exceed five millions of dollars, and having not more than thirty years to run to maturity, and has also resolved to secure the punctual payment of the same, both principal and interest, by mortgage or deed of trust of all the said lands and railroad, and all its corporate property and franchises of every nature and kind to the party of the second part, trustees, and mortgagee's, for the benefit and security of the holder of said bonds, all of which said bonds shall bear the same date and
181 are to be duly stamped with the revenue-stamps required by law, and are to stand equally secured by the said deed of trust, though issued, sold, and maturing at different times, and shall be numbered consecutively from number one to the highest number which may be issued, inclusive, and each of which said bonds shall be authenticated by a certificate signed by the said party of the second part as being issued and secured by this deed of trust:

It is, however, understood and agreed that this instrument and the said bonds are made with a reservation of the right of the said party of the first part to repay and retire the said bonds in whole or in part any time after the expiration of five years from the date hereof, by applying to the purchase of the same by *by* lot at par and accrued interest the sinking-fund created by this deed of trust or mortgage, in the manner herein provided:

Now, therefore, this indenture witnesseth that the said Leavenworth, Lawrence and Galveston Railroad Company, in order to secure the payment of the said bonds, and the interest thereon, and in consideration of the sum of five dollars to it in hand paid by the said party of the second part, at the ensealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, transferred, and conveyed, and by these presents does hereby grant, bargain, sell, transfer, and convey to the said party of the second part, its successors and assigns, all the following and all the above-described prop-
182 erty, to wit, all the right, title, and interest of the said party of the first part in and to the lands of said railroad company, granted by the said act of Congress and by the act of the legislature of

the State of Kansas above mentioned, to aid in the construction of said road as above described, and being alternate and odd sections of land lying on either side of said road and within a distance of twenty miles thereof, and amounting as near as can now be estimated to six hundred thousand acres; but all the lands granted by said act to aid in the construction of said road are intended to be and are hereby included in this conveyance, whether the same be more or less than that amount;

Also, all the lands conveyed to said railroad company by an act of the legislature of the State of Kansas, passed and approved on the 23rd day of February, A. D. 1866, above named, and being in amount one hundred and twenty-five thousand acres of land, more or less;

Also, all the bonds of the said counties through which said railroad runs, now issued, or which may be hereafter issued and delivered to said company to aid in the construction of its said railroad, a list of which is to be made and certified, and given to the said party of the second part, and the said bonds delivered to it;

Also, all the present and in future to be acquired property of the said railroad company, and all the right, title, interest, and equity of redemption therein, that is to say, all the railroad of the said party
183 of the first part now made and in operation, and all the railroad yet to be constructed, including the right of way, road-bed, superstructure, iron ties, splices, chairs, bolts, nuts, spikes, all lands and depot-grounds, station houses and depots, viaducts, bridges, timber and materials, and property purchased, or to be purchased, for the construction or equipment of said road; all the engines, tenders, cars, and machinery, and all kinds of rolling-stock, whether now owned or to be purchased by said party of the first part in the future; and all the revenues and income of said railroad and property, and all the franchises and rights of the said party of the first part, and all property acquired by virtue of and under the authority thereof, now in possession or hereafter to be acquired, including all machine-shops, tools, implements, and personal property used therein, or upon, or along the line of said railroad, or at its stations, or any of them, wherever situated, and including all appurtenances and appendages of said railroad and the property of said company, and all its rights and privileges therein and pertaining thereto:

To have and to hold the said lands, bonds and property, all and singular, and the said premises and every part thereof, with the appurtenances, unto the said party of the second part, its successors in said trust and assigns:

But upon the following express trust, that is to say, in case the said Leavenworth, Lawrence & Galveston Railroad Company shall fail to pay the principal, or any part thereof, or the interest, or any part thereof, which may fall due upon any of said bonds, secured
184 and intended to be secured hereby at any time when and where the same may become due and payable, according to the tenor and effect thereof and for thirty days thereafter; then, and in that case, all of said bonds shall thereupon immediately become due and payable, and it shall be competent and lawful for the said party of the second part, its successors in trust and assigns, to enter upon and take possession of the said premises, and every part and parcel thereof, including said lands, road, and appurtenances, and upon the written request of the holders of one-tenth part of the bonds, which may be at any time outstanding and unpaid, it shall be the duty of the said party of the second part, its successors or assigns, to enter upon and take possession of all and singular the said railroad & property

above described; and as the attorney in fact or agent of the said party of the first part, by itself or its agents duly constituted, have, use, and employ the railroad and its appurtenances and property thereto belonging and proper for its use, making from time to time all needful repairs, alterations, and additions thereto; and after deducting the expenses of such repairs, alterations, and additions, apply the proceeds of said premises to the payment pro rate of the principal and interest of all of said bonds remaining unpaid; and also to have and possess all of the said lands, and all obligations and securities which may have been received for any such which may have been sold, and shall hold all of said county bonds conveyed by this instrument, and which may then remain unsold, and all other property conveyed
185 hereby, or intended to be conveyed, and receive the avails thereof, and the proceeds of the sales thereof, and the interest of all such securities, and after paying all proper expenses connected with the management and care of the same, including taxes and all expenses necessary to the care of, and due administration of the trust hereby created relative thereto, and indemnifying itself as aforesaid, apply the surplus money in the manner above stated, in payment of said principal and interest moneys which may be unpaid upon said bonds; or the said party of the second part, its successors in the said trust and assigns, at their discretion, may, and, on the written request of the holders of one-tenth of said bonds then unpaid, shall, cause the said premises, including said lands and securities, or so much thereof as shall be by them deemed necessary to pay and discharge the principal and interest of said bonds as may be unpaid, together with all the expenses of said sale, to be sold at public auction at Topeka, in Kansas, giving thirty days' notice of the time and place and terms of such sale, by publishing the same in one of the principal newspapers for the time being in each of the cities of Boston and New York, and upon such sale to execute to the purchaser or purchasers thereof, good and sufficient deed or deeds of conveyance in fee-simple for the same, which shall be a bar against the said Leavenworth, Lawrence and Galveston Railroad Company, party of the
186 first part, its successors and assigns, and all persons claiming under it or them, of all right, interest, or claim in or to the said premises and property, or any part thereof, and the said trustees shall, after deducting from the proceeds of said sale the cost and expenses thereof, and of managing the said property, and enough to indemnify and save itself harmless from and against all liabilities arising from this trust, apply so much of the proceeds of the said property as may be necessary to the principal and interest of the said bonds unpaid, and shall restore the residue thereof to the party of the first part; it being expressly understood and agreed that in no case shall any claim or advantage be taken of any valuation, appraisement, redemption, or extension laws by said party of the first part, its successors, or assigns, nor any injunction or stay of proceedings be had, or any process be obtained or applied for by it or them, to prevent such entry, sale, and conveyance as aforesaid. It is hereby expressly agreed and understood that it shall be lawful for the said railroad company or its successors to dispose of the current net revenues, except as herein otherwise provided, of the said railroad hereby conveyed in such manner as it shall elect, until default shall be made in the payment of the principal or interest of said bonds or of some of them; and it is hereby expressly agreed and understood, and it is one of the terms of this conveyance and deed of trust, that all the lands above described and hereby conveyed, or intended to
187 be conveyed, as well those derived from the Government of the

United States through the treaty and act of Congress and the legislature of the State of Kansas, hereinbefore mentioned, as those derived from the State of Kansas, in manner aforesaid, shall be scaled and appraised at such price as may be deemed to be just and reasonable by both the parties hereto, and a minimum price fixed thereupon, at which they may be sold, either for cash or part cash, or partly on credit or wholly on credit, as may be deemed just and expedient; but such minimum price may be changed, if thought advisable, by the joint action of the said party of the first part and party of the second part, their successors, and assigns.

And as the object of this indenture is to provide a fund for the full payment of said bonds, both principal and interest, and not to withhold from settlement and sale said lands, but, on the contrary, to sell the same to actual settlers as rapidly as possible, and thus bring them into cultivation and improvement, it is expressly understood that the said party of the first part shall establish an office for the sale of said lands at some convenient place, where the same shall be offered for sale at not less than the minimum price put thereupon, but that deeds of conveyance for said lands or any parts thereof shall only be made when the whole purchase price agreed upon shall be paid for the same, and that in all cases when the purchase-money shall not be paid down at
188 the time of the contract of purchase, a contract in such form as shall be directed by the board of directors and counsel of the said party of the first part shall be executed to the party purchasing said lands, or any of them, setting forth clearly the terms of sale and the payments to be made, and the conditions upon which the purchaser shall be entitled to a full deed conveying the lands specified in said contract to the said purchaser, his heirs and assigns.

And whereas it is important that every purchaser shall be sure of his title, and that the conveyance thereof shall not be impeded or restricted by unnecessary formalities, it is, therefore, the express understanding that the said party of the first part shall be so far the agent of the said party of the second part, its successors in said trust and assigns, that the deed of the first party, duly executed and acknowledged, shall operate as a release of the tract of land so sold from the operation and effect of this indenture and deed of trust, and convey a full and perfect title; and the said party of the first part shall have this authority and power, in the name of said second party and its successors, to release the title of land sold or contracted to be sold on payment therefor, from the operation of this mortgage or deed of trust, until breach of the condition of this instrument, or until a revocation of this authority is made and duly recorded in every county where said lands lie; and when any purchaser of said lands, or any part thereof, shall have paid in full the price agreed to be paid for the same to the said party of the
189 first part, its successors or assigns, he shall be entitled to receive a deed in fee-simple for said lands, free and clear of this incumbrance and deed of trust, in the manner above specified.

And the said party of the first part hereby agrees that all the money realized upon any contract of sale shall be appropriated to the purpose of providing for the payment of the said bonds, principal and interest, and that on account of all such sales or contracts of sales made, and of all moneys realized from the sale of said contracts, shall, once in three months, be made up and placed in the hands of the said party of the second part, its successors in said trust, or assigns; and all moneys realized from said sales paid over to said second party, and the said second party personally, or by its agents and attorneys duly appointed,

shall at all times have access to the books and papers and records of the land-office of the said party of the first part. It is hereby expressly agreed and understood that the county bonds herein mentioned and intended to be conveyed may be sold at such time or times and on such terms and for such prices as may be mutually agreed upon by the parties hereto.

And it is also hereby agreed and understood by and between the parties hereto that the proceeds of the sale of all the said lands herein described, and of all securities received therefor, and the proceeds of all said county bonds, and all collections thereon, shall constitute a sinking-fund in the hands of the said party of the second part, its successors and assigns, to *to* be applied during the first five years from the date hereof to the payment of the interest on the bonds of the said first party intended to be secured hereby, and that any and all surplus beyond the amount requisite for that purpose, shall for that time accumulate in their hands and be invested in such securities, at all times convertible into money, as from time to time may be agreed upon in writing by the parties hereto, and out of such accumulation the party of the second part may reserve one hundred thousand dollars as a contingent fund to provide for possible contingencies in the payment of interest, and otherwise relative to said bonds, which said sum may be kept and maintained and invested in such securities as the parties hereto or their successors may mutually agree upon; and at the end of said five years, if such accumulation shall amount to two hundred thousand dollars or upwards, over and above the said reserved fund for contingencies, and thereafter and as often as it shall amount to two hundred thousand dollars above that sum, the same shall be applied in the payment and retirement of said bonds, at par value thereof, and accrued interest thereon, which said bonds so to be paid from time to time, shall be determined by lot in such manner as shall be just and fair, and as shall be agreed upon in writing by the parties hereto or their successors, and recorded at length upon the records of the parties, and open to examination to the holders of said bonds, and when and as soon as the numbers of said bonds thus to be paid and retired shall have been determined by lot in manner aforesaid from time to time, it shall be the duty of said party of the second part and its successors in said trust to publish a notice thereof in each of the cities of Boston and New York for three weeks successively, once in each week, stating therein the time and place in each of said cities, when the said bonds will be paid, and requesting their presentation for payment at said time and place, and after the expiration of said time the said bonds so numbered and drawn shall cease to bear interest, and the said party of the first part shall not be liable for interest accruing subsequently to that time, but shall be required to pay the principal of said bonds on presentation.

And the said party of the first part hereby agrees that any failure to render the quarterly statement of the contract and sale of lands as herein provided, and of the expenses connected with said lands, and any failure to pay over the money received from said lands, to the said party of the second part, or its successors, in said trust, every three months, upon such statement, and any refusal to allow an examination of the books of the said party of the first part, as herein provided, shall be deemed to be a forfeiture of the conditions of this deed of trust; and thereupon the said party of the second part, its successors in said trust, and assigns, may enter upon and take possession of the premises and property herein described, and have and hold the same with the same rights and powers, and in the same manner and upon

the like request of the bondholders, as in the case of failure to pay the principal or interest on the bonds hereby secured, and thereupon shall be entitled to the possession and control of the property above described, and of all contracts or securities received for lands sold or contracted to be sold, to be held and managed or sold under the powers herein contained for the benefit of the holders of said bonds.

And the said party of the first part, for itself and its successors, hereby covenants and agrees to execute and deliver any further reasonable or necessary conveyance of the said premises, or any part thereof to the said party of the second part, its successors and assigns, for more fully carrying into effect the objects and purposes of these presents, and of making them embrace the property and effects herein described and intended to be conveyed.

It is hereby mutually agreed that, upon the payment of the principal and interest of said bonds, the estate hereby granted to said party of the second part shall be void, and the right to the premises hereby conveyed shall revert to and revest in said party of the first part, its successors or assigns, without any acknowledgement of satisfaction, reconveyance, re-entry, or other act; and that said party of the second part, its successors in said trust, and assigns, shall only be accountable for reasonable diligence in the management thereof, and shall not be responsible for the acts of any agent employed by them, where
193 such agent shall have been employed with reasonable precaution; and that the said second party and its successors in said trust and assigns, shall be entitled to reasonable compensation for their services in the management of said trust.

It is hereby further mutually agreed that in case of a failure for any cause or refusal to act in the matter of said trust by the said party of the second part, its right, estate, interest, power, and control in the premises shall be divested, cease, and determine, and the holders of a majority of said bonds may thereupon apply to any court in the State of Kansas having jurisdiction of the premises to appoint some proper person or persons to act as trustee or trustees herein. And such new trustee or trustees when appointed shall become vested for the purposes aforesaid with all the right, interest, and power requisite to enable him or them to execute the purposes of this trust without any further or other authority, release, or conveyance for the same. But should it be desirable or necessary, the said parties hereto shall each execute and deliver such releases and conveyances as counsel learned in the law shall deem advisable. And the said party of the second part hereby accepts the trust created by these presents.

In witness whereof the said Leavenworth, Lawrence and Galveston Railroad Company has caused its corporate seal to be hereto affixed, and its corporate name to be hereto subscribed by its president the day and year first above written, and the said second party on the same day and year has caused its corporate seal to be hereto affixed
194 and the same to be subscribed by its president.

The Leavenworth, Lawrence and Galveston Railroad Company,

[SEAL.] By JAMES F. JOY, *President.*

Attest:

AMOS T. HALL, *Secretary.*

The Farmers' Loan and Trust Company of New York,

[L. S.] By R. G. ROLSTON, *President.*

Attest:

GEO. P. FITCH, *Secretary.*

STATE, CITY, AND COUNTY OF NEW YORK, *ss:*

On the 26th day of July, A. D. 1869, before me came R. G. Rolston, whose name is subscribed to the foregoing instrument, and with whom I am well acquainted, known to me to be the president of the Farmers' Loan and Trust Company, who, having been by me duly sworn, says that the seal which is affixed to said instrument is the corporate seal of said Farmers' Loan and Trust Company; that it was so affixed by the authority of said corporation; and that he subscribed his name thereto by the like authority; and that he resides in the city of New York.

Given under my hand and official seal this 26th day of July, 1869.

[L. S.] JAMES W. HALE,
Notary Public, 54 *Wall Str.*

STATE OF ILLINOIS,
County of Cook, City of Chicago, ss:

Be it remembered that on this twelfth day of July, A. D. 1869, before me, a commissioner, residing in the city of Chicago, county of
195 Cook, and State of Illinois, duly commissioned by the governor of the State of Kansas to take acknowledgments and proof of deeds, and other instruments in writing under seal, to be used or recorded in said State of Kansas, personally came James F. Joy, president of the Leavenworth, Lawrence and Galveston Railroad Company, who is known to me to be the person whose name is signed to the foregoing deed of conveyance, who, being by me duly sworn, deposes and says that he resides in Detroit, in the county of Wayne, and State of Michigan; that he is president of the Leavenworth, Lawrence and Galveston Railroad Company; that he knows the corporate seal of said company; that the seal affixed to the foregoing conveyance is the corporate seal of said company; that it was affixed by order of said company; that he signed his name to said conveyance by like order as president of said company and acknowledged that he executed and delivered the said deed as his free and voluntary act, for the uses and purposes therein set forth; and that the said company also executed said conveyance as its free and voluntary act for the purposes therein set forth.

In witness whereof I have hereunto set my hand and official seal this twelfth day of July, A. D. 1869.

[L. S.] PHILIP A. HOYNE,
Commissioner for Kansas in Chicago.

The foregoing instrument was duly recorded in the counties of Douglas, Franklin, Anderson, Allen, Neosho, and Labette, before any of
196 the bonds secured thereby issued.

AMOS T. HALL, *Secretary.*

(Endorsed:) No. 965. The United States of America vs. The Leavenworth, Lawrence & Galveston Railroad Company. Answer of Farmers' Loan & Trust Co. Filed June 3, 1874. A. S. Thomas, clerk.

Replication to answer of Farmers' Loan & Trust Co.

And on this, to wit, June 3rd, 1874, came the said complainant by George R. Peck, its solicitor, and filed in the said clerk's office its replication to the answer of the Farmers' Loan and Trust Company in the said entitled suit; which said replication with endorsements thereon is in the words and figures following, to wit:

In the circuit court of the United States, district of Kansas, eighth circuit.

THE UNITED STATES OF AMERICA
vs.
THE LEAVENWORTH, LAWRENCE AND GALVESTON RAILROAD COMPANY.

The replication of the United States of America, complainant, to the answer of the Farmers' Loan and Trust Company, filed by consent of parties hereto.

This repliant, saving and reserving unto itself now and at all times hereafter, all and all manner of benefit and advantage of exception which may be had or taken to the manifold insufficiencies of the said answer, for replication thereunto says that it will aver, maintain, and prove its said bill of complaint to be true, certain, and sufficient in law to be answered unto; and that the said answer of the said
197 defendant is uncertain, untrue, and insufficient to be replied unto by this repliant; without this, that any other matter or thing whatsoever in the said answer contained, material or effectual in the law to be replied unto, confessed or avoided, traversed or denied, is true; all of which matters and things this repliant is and will be ready to aver, maintain, and prove, as this honorable court shall direct; and hereby prays as in and by its said bill it has already prayed.

GEO. R. PECK,
United States Attorney, District of Kansas,
Complainant's Solicitor.

(Endorsed) No. 965. In the circuit court of the United States, district of Kansas. The United States vs. The Leavenworth, Lawrence and Galveston Railroad Company. Replication to answer of Farmers' Loan and Trust Co., by agreement. Filed June 3, 1874. A. S. Thomas, clerk. Aug. 25, '74.

Deposition of John W. Scott.

And on this day, to wit, June 8th, 1874, came the defendant and filed in the said clerk's office the deposition of John W. Scott in the said entitled suit; which said deposition, with endorsements thereon, is in the words and figures following, to wit:

In the circuit court of the United States for the district of Kansas.

THE UNITED STATES OF AMERICA
vs.
THE LEAVENWORTH, LAWRENCE AND GALVESTON RAILROAD COMPANY.

JOHN W. SCOTT, being duly sworn, deposes that he is land-commissioner of the Leavenworth, Lawrence and Galveston Railroad Company, and has been so since June, 1871; that he knows all the
198 lands said company has received or obtained from the United States under the act of Congress approved March 3d, 1863; that it has received in the county of Douglas no lands; in the county of Franklin, two thousand seven hundred and eighty-three and thirty-five hundredths (2,783.35) acres; in the county of Anderson, thirty thou-

sand seven hundred and seventy-six and sixty-seven hundredths (30,776.67) acres; and in the county of Allen, forty-two thousand five hundred and thirty-two and fifty-six hundredths (42,532.56) acres, making a total of seventy-six thousand and ninety-two and fifty-eight hundredths (76,092.58) acres; that, in addition to the above-mentioned lands, the said railroad company has received on an exchange with the Missouri, Kansas and Texas Railway Company, north of the Osage ceded tract, twenty-six thousand one hundred and seventy-six and fifteen hundredths (26,176.15) acres; and that these are all the lands received, as aforesaid, by the said company, north of the Osage ceded lands; that it received one hundred and twenty-three thousand two hundred and eighteen and fourteen hundredths (123,218.14) acres from the State of Kansas of what is known as internal-improvement lands.

JNO. W. SCOTT.

Sworn before me this 1st day of June, A. D. 1874.

FRANCIS S. EARLE,
Notary Public.

(Endorsed:) This may be rec'd as a deposition in the within case, June 1st, 1874. Wilson Shannon, atty. for plff. No. 965. The United States of America vs. The Leavenworth, Lawrence & Galveston Railroad Company. Deposition of Dr. Scott. Filed June 8, 1874. A. S. Thomas, clerk.

199 *Stipulation.*

UNITED STATES OF AMERICA:

In circuit court for the district of Kansas.

THE UNITED STATES
vs.
THE L., L. & G. RAILROAD.

SAME, PLAINTIFF,
vs.
M., K. & T. RAILROAD CO.

1st. It is mutually agreed that the following evidence may be introduced in each of the above cases:

1st. The annexed maps, marked 1, 2, 3, 4, 5.

Also, three series of letters, marked A, B, C, D, E, F.

2. It is further agreed that the register of the land-office at Humboldt, in the State of Kansas, received the letter of the Commissioner of the General Land-Office, of the date of 21st of January, A. D. 1868, on the 4th day of February, 1868; said letter is found in series marked "A."

3. It is further agreed that certified lists of the lands patented to the L., L. & G. Railroad by the State of Kansas were issued by the Interior Department, and received by the governor of the State of Kansas before the said patents were issued to said road for the said lands in the bill described.

4. It is further agreed that, under the joint resolution of 10th of April, 1869, lands had been entered at the local land-office, and that said entries had been cancelled and set aside by the Secretary of the

Interior, at the instance of said railroad companies, claiming said land as part of their grants, but that no patents have issued, as yet, to either of said railroad companies for any of said land entered under said joint resolution.

200 5. It is agreed that the town of Thayer, mentioned in the actions, is situated on sections No. 29 & 30, town. 29, range 18, in Neosho County, State of Kansas.

6. That said railroad companies have paid taxes on said lands in their answers mentioned, for State, county, and municipal purposes, from the time of the completion of their said road up to the year 1873.

7. It is agreed that the mortgagees, in the answers mentioned, may enter an appearance in each of these cases and file their answers therein, but that said appearances and answers shall in no way work a continuance of said cases.

8. It is further agreed that if either party desires any evidence which he deems material, he shall not be precluded from introducing further evidence by the foregoing agreement.

9. It is admitted that the M., K. & T. Railroad has succeeded to all the rights of the Atchison, Topeka and Santa Fé Railroad, for building a road from, at, or near Fort Riley down the Neosho Valley to where the L., L. & G. Railroad enters the Neosho Valley, and that the said M. K., & T. Railroad has built said road from Fort Riley to said point where the L., L. & G. Railroad enters said valley.

GEO. R. PECK,
U. S. Atty., Dist. of Kansas, Compl'ts. Sol.
S. O. THACHER,
For Deft.
T. C. SEARS,
For M., K. & T.

WILSON SHANNON, *of Counsel.*

201 And on this day, to wit, June 9th, 1874, in the June term A. D. 1874, of said court, in the record of the proceedings thereof in the said entitled suit, is the following entry, to wit:

Journal entry.

THE UNITED STATES
vs.
LEAVENWORTH, LAWRENCE AND GALVESTON Railroad Company. } 965.

And now on this day comes the complainant herein, by George R Peck & McComas, and McKeighan, & Wilson Shannon, its solicitors, and the defendant, by S. O. Thacher & A. Stephens, its solictors, and thereupon this cause came on to be heard; and, the parties submitting their briefs, it was argued by counsel, and taken under advisement by the court.

And on this day, to wit, August 25th, 1874, in the June term, A. D. 1874, of said court, in the record of the proceedings thereof in the said entitled suit is the following entry, to wit:

Decree.

THE UNITED STATES OF AMERICA
against
THE LEAVENWORTH, LAWRENCE AND GALVESTON Railroad Company and The Farmer's Loan and Trust Company. } 965.

This cause came on to be heard at the June term, 1874, before the Hon. Samuel F. Miller, and the Hon. John F. Dillon, judges of said court, upon the bill, answer, replication, exhibits, and documen-
202 tary evidence and proofs, and was argued by Geo. R. Peck, district attorney, and Wilson Shannon and McComas & McKeighan, solicitors for complainant, and by S. O. Thacher and N. T. Stephens, for the defendants, and taken under advisement. And the court being now (August 25th, 1874,) fully advised in the premises, doth find the equity of the cause with the complainant, and doth now order, adjudge, and decree that the patent and all evidence of title issued by the United States to or for the benefit of the defendant to the lands described in the bill of complaint herein, be, and the same are hereby, set aside, annulled, and for naught held; and it is further adjudged and decreed that the defendant has no right or title therein, and that it is hereby perpetually enjoined from asserting any title or right thereto by virtue of said patents or evidence of title, or any of them, and it is further ordered that the defendant pay the costs of this suit taxed at ($) dollars, and that execution issue therefor. From this decree the defendants, and each of them prayed an appeal, which is allowed, and the bond of appeal fixed at $1,000. And it is further ordered by the court, at the request of the solicitors for the complainant and defendants, that the clerk of this court send up to the Supreme Court of the United States with the appeal, all the maps, plats, and documentary evidence used on the trial of this case. And thereupon the defendant offered its bond in appeal, signed by Jno. W. Scott, which is by the court approved, and said bond ordered to be filed.

And on this day, to wit, August 25, 1874, came the said de-
203 fendant, by its attorney, and filed in the said clerk's office its appeal-bond in the said entitled suit; which said appeal-bond, with endorsements thereon, is in the words and figures following, to wit:

Appeal-bond.

Circuit court of the United States, district of Kansas.

THE UNITED STATES OF AMERICA
vs.
THE LEAVENWOTH, LAWRENCE AND GALVESTON Railroad Company. } In equity.

Know all men by these presents that we, The Leavenworth, Lawrence and Galveston Railroad Company, and John W. Scott, are held and firmly bound unto the United States of America in the sum of one thousand dollars, to be paid to the said United States of America; to which payment, well and truly to be made, we bind ourselves, and each of us, our heirs, executors, and administrators, firmly by these presents, sealed with our seals, dated this 25th day of August, A. D. 1874.

Whereas the above-named Leavenworth, Lawrence and Galveston Railroad Company has taken an appeal to the Supreme Court of the United States to reverse the decree rendered in the above-entitled action by the circuit court of the United States for the district of Kansas:

Now, therefore, the condition of this obligation is such, that if the above-named, The Leavenworth, Lawrence and Galveston Railroad Company shall prosecute its said appeal to effect, and answer all costs if it shall fail to make good its plea, then this obligation shall be void; otherwise to remain in full force and virtue.

204 The Leavenworth, Lawrence and Galveston Railroad Company.
By S. O. THACHER, *Att'y.*
JNO. W. SCOTT. [SEAL.]

STATE OF KANSAS,
County of Douglas, ss:

John W. Scott, being duly sworn according to law, deposes and says that he is worth over one thousand dollars over and above his liabilities, debts, and exemptions.

JNO. W. SCOTT.

Sworn to & subscribed before me this 25th day of August, A. D. 1874.

[SEAL.] ALBERT KNITTLE, *Notary Public.*

(Endorsed:) No. 965. The United States of America vs. The Leavenworth, Lawrence and Galveston R. R. Co. et al. Bond for appeal. Filed Aug. 25, 1874. A. S. Thomas, clerk.

205 THE UNITED STATES
vs.
THE LEAVENWORTH, LAWRENCE, AND GALVESTON RAILWAY COMPANY.

United States circuit court, district of Kansas, June term, 1874.

Before Miller and Dillon, jj:

Mr. Justice MILLER:

This case, with that of the same plaintiffs against the Missouri, Kansas and Texas Railway Company, is submitted to the court on the bills, answers, replications, documentary evidence, and agreed statement of facts.

The facts are undisputed and without complication. The questions to be considered are exclusively questions of law.

The bill is filed by the United States under the direction of the Attorney-General to set aside and annul certain patents for lands issued to the defendant by the Secretary of the Interior, on the ground that they were issued without authority of law.

The case of the United States vs. Stone, 2 Wallace, (525,) is con-
206 clusive, so far as any authority is necessary, of the right to the relief sought, if this statement be true.

The defendant, a corporation which has built a road through the lands in controversy and received of the United States the patents which are assailed in the bill, asserts the validity of these patents under an act of Congress of March 3, 1863, and the treaty with the Osage tribe of Indians, proclaimed January 21, 1867. In addition to the very able oral arguments on both sides at the bar, and the printed arguments of coun-

sel engaged in the present case, there have been filed copies of printed arguments before the Secretary of the Interior, which show that his action in issuing the patents was not hasty or wanting in reflection, but was the result of deliberate judgment after hearing counsel. This circumstance is not without embarrassment in the minds of the court now called on to consider the same question. But the constitutional adviser of the Government, the Attorney-General of the United States, has felt it to be his duty to ask for a cancelation of these patents, and, as the only question raised is upon the proper construction of the act of Congress, and the treaty aforementioned, it is eminently a judicial one which the court cannot avoid or decline to decide, how high soever may be its respect
207 for the decision of the Department of the Interior. The act of Congress referred to, found in 12 Statutes at Large, p. 772, by its first section grants to the State of Kansas, for the purpose of aiding in the construction of certain railroads and branches, every alternate section of land designated by odd numbers, for ten sections in width on each side of said road, and each of its branches.

The road, so far as the matter now in issue is concerned, is described in the act as one from the city of Leavenworth, by way of the town of Lawrence and the Ohio City crossing of the Osage River, to the southern line of the State in the direction of Galveston Bay, in Texas. This description would carry the road through a large body of land then in the peaceful possession and occupancy of the tribe of Osage Indians, lying within the border of the State of Kansas. By a treaty between the United States and this tribe, made September 29, 1865, before the line of said railroad was located, the tribe ceded to the United States a large body of lands, embracing those in controversy. The first question, therefore, which presents itself for solution, is whether the grant of lands, as made by Congress in 1863, includes the lands then held by the Osage Indians, by the ordinary tenure by which Indian tribes hold lands in the United States, but afterwards ceded by treaty to the Government. I say, by the ordinary tenure by which Indians hold lands, because I do not find anything in the language of the treaty of
208 1825 with that tribe which changes the nature of their title. Counsel for defendants have supposed that in considering the effect of the grant under the act of 1863 upon these lands, a material consideration favorable to their claims, is, that the grant is to be construed with reference to the condition of the title of these lands when the line of the road was located and adopted by the company. This argument is based upon what must be conceded to be true—that the particular congressional subdivisions of alternate sections of odd numbers which are to constitute the specific lands granted by the act, must be determined and can only be determined by the location of the line of the road—by an actual survey showing its relation to those sections. The counsel have, therefore, argued with much force that the act of Congress is not a grant in presenti, but a grant in futuro, and that as the particular sections granted must await the location of the road to determine where they would fall, therefore, that time and that location must govern or be looked to as governing all other considerations bearing upon the extent or limits of the grant. This proposition, however, is obviously unsound, in view of the general course of the road established by the grant. It must be a road from Leavenworth to the southern boundary of the State, in the direction of Galveston Bay, in which Lawrence and the Ohio City crossing are points, and the lands upon which it must operate; or, in
209 other words, the general location and character of the lands

which may be taken under the grant are either definitely laid down in the act, or are to be inferred from considerations existing at the time the act was passed. And this is true whether in technical language we call it a grant in presenti or a grant in futuro. In point of fact, it has some of the characteristics of both classes of grants. As these lands, though then in possession of the tribe, are in the line of the proposed road, and between Leavenworth and the southern boundary of the State, they are lands within the general descriptive terms of the grant, unless they are excepted out of them by other parts of the act or by other paramount considerations. I am of opinion that on both these grounds the act cannot be held to include these lands.

1. When the act was passed the lands were and had been for a very long time in the peaceful and undisputed possession of the Osages. And though the treaty of 1825 between them and the United States did not so far vary their tenure as to give them a fee-simple title, or, indeed, anything but a usufructuary right, it did guaranty to them the exclusive possession and use of these lands, "so long as they may choose to occupy the same." This treaty was in full force when the act under which defendant claims was passed, and it is not believed that at that time any proposition to relinquish this possession had been made by the tribe, or any effort by the United States to induce them to do so. To hold, then, as argued by the defendants, that whenever they might
210 choose to locate the line of their road through the Indian Territory the title to the land, with all that full title implies, passed to them by virtue of this act so far as odd sections for ten sections in width on each side would go, is to hold that Congress had violated this treaty-provision, had disregarded the generally conceded rights of Indians in such land, and had authorized a gross injustice to a feeble and ignorant ward of the Government. For if the lands were subject to the grant at all, it must be admitted that no provision whatever is made in the act for the protection of Indian rights, nor even for delay in enforcing the title thus passed to the defendants. When I consider that in the many grants of this character made by Congress, they have never, unless in this case, intended to include lands which by treaty or any other contract, or indeed any other equitable consideration they should not grant, I can hardly believe that they intended, by the use of general terms necessary to a description of the route of the road, to grant away the lands which, by all these considerations, they were bound to retain within their own control. In saying this, I do not consider the question of the power of Congress over lands thus situated. I consider only the question of intent of the actual will of the legislative body which they designed to put into the form of a statute. It is this, as in all cases of construction which must govern, and if it were a question now for the first time presented to my consideration on these general words of description alone in
211 the grant, I do not see how I could hold that Congress intended to include these Indian lands; but the case does not rest on these general words of description alone. This was by no means the first act of Congress donating lands to aid in construction of railroads. Millions of acres had been previously granted for the same purpose, and so many statutes of that kind had been passed that the language in which the grants were made had become reduced to settled formulæ, and one of these formulæ designed to protect rights previously acquired, as found in every other statute of a similar character, is found in this. It is in the shape of a proviso to the granting section in the following words, "That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner, by competent

authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the routes of said road and branches through such reserved lands; in which case the right of way only shall be granted subject to the approval of the President of the United States."

It will be thus seen that, from the operation of this act, as of all others of like character, and by the settled policy of the Government, there is excepted any and all lands which, by act of Congress, or in any other manner by competent authority, for any purpose whatsoever, is reserved to the United States. I cannot adopt the criticism of
212 distinguished counsel that the exception here provided for is limited to lands set apart and reserved for some special use which the Government of the United States may have for them. These acts are all dealing with lands which belong to the United States—lands over which its ownership and dominion are absolute. There is no occasion, therefore, to make of such lands a reservation for the benefit of the United States; but there were many cases in which, while retaining the title, the Government, by some of its branches, had set apart, had reserved for special uses of others, and for other uses than those of the Government, lands of the United States. Such is the construction placed upon this clause in the cases of Walcott vs. The Des Moines Navigation Company, (5 Wallace, 681,) and fully considered and adopted in the more recent case of Williams vs. Baker, (17 Wallace, 144.) Can it be said with any show of reason that the lands under consideration in those cases which were withdrawn from sale by reason of the disputed claims of the State of Iowa, were reserved to the use of the United States? If, however, this criticism has any just foundation in its application to the general clause of exception found in this and in all other land-grants, it cannot affect the present grant, for, in proceedings for the probable failure of the grantee, from various causes, to obtain all the odd sections on each side of the road within the prescribed limits, by giving other land in place of them, among
213 the causes of such failure are mentioned previous sales or grants, homestead rights, "or that the same has been reserved by the United States for any purpose whatsoever." Now, if the solemn covenant in a treaty made by the United States with a tribe of Indians that these lands "shall be reserved to and for the Great and Little Osage tribes or nations aforesaid, so long as they may choose to occupy the same," is not a reservation by the United States for another purpose than building railroads, it is difficult to comprehend the use of language or what kind of reservation that clause was meant to cover. I am, therefore, of opinion that, by the necessary outlook at the condition of this land when the grant was made, and the gross violation of justice and solemn treaty-rights in the Osages, which a grant so construed necessarily implies, Congress did not intend to include these lands in the grant. And 2d, that in each of the two clauses reserving lands from the operation of the act, they have by apt words expressed the intention that those lands should not be included in the grant. The treaty with the Osage Indians, of which we have been speaking, contains a clause which is relied on by defendants as sufficient to remove any doubt which may arise from the foregoing views, and I now come to consider that branch of the subject. By the first section of that treaty, as originally negotiated and signed, on the 29th day of September, 1865, the
214 Osages sold to the United States that part of their lands which

includes the land now in controversy with others. And in consideration of this grant and sale to the United States, the Government agreed to pay the sum of $300,000, to be placed to the credit of the tribe in the Treasury of the United States, and that interest thereon, at the rate of five per cent. per annum should be paid to the tribes. The lands were to be surveyed and sold for cash as public lands are surveyed and sold under existing laws. After re-imbursing the United States, the cost of survey and sale, and the sum of $300,000 above-mentioned, the remaining proceeds of sale were to be placed in the Treasury to the credit of the civilization-fund, to be used under the direction of the Secretary of the Interior for the education and civilization of Indian tribes residing within the limits of the United States. When the treaty was under consideration in the Senate, that body made numerous verbal amendments, and among others not merely verbal, they inserted after the word "laws" the words "including any act granting lands to the State of Kansas in aid of the construction of railroads through said lands." To this amendment, made June 26, 1866, the Indians consented. So that this part of the treaty as finally proclaimed January 21, 1867, reads as follows: "Said lands shall be surveyed and sold under the direction of the Secretary of the Interior on the most advantageous terms for cash as public lands are surveyed, and sold
215 under existing laws, "*including any act granting lands to the State of Kansas, in aid of the construction of a railroad through said lands*, but no pre-emption claim or homestead settlement shall be recognized." (14 Stats. at Large, 687.) The phrase thus inserted and here italicised is supposed by the defendants' counsel to have reference to the lands now in controversy, and to have the effect of subjecting them to the railroad-grant. The difficulty of determining what is their precise meaning, in the connection in which they are employed, is very great. As regards their influence on the decision of the question before us, they may be, or rather must be, considered in one of these lights: 1. As granting by treaty and by force of their own meaning lands to aid in the construction of this railroad, which had not been so granted before. 2. As placing, by means of a treaty with these Indians, a construction upon the doubtful language of the act of Congress which we have already considered. 3. As a recognition by competent authority of the existence of such a grant which must necessarily be the act aforesaid. 1. The first of these propositions is wholly inadmissible. Conceding the doubtful proposition that it was within the power of the President and the Senate and this tribe of Indians, without the assent of the House of Representatives, to have appropriated these lands to such a purpose, they have expressed no such intention. What-
216 ever the language may or may not mean, it is clear that it was not intended to go beyond existing laws. It did not design to make any new law or confer any new right. 2. Nor is it easy to believe that the Senate of the United States would undertake in a treaty with Indian tribes, to construe an act of Congress. If they did, they certainly could intend to go no further than to express their own understanding of the meaning of statute without designing to give to that expression the authority of a legislative construction. Neither the Senate alone, nor in conjunction with the President, is authorized to construe acts of Congress so as to bind the legislative and judicial departments of the Government. In saying this it is not intended to deny that any contract in such a treaty, by which rights are conferred on either party to the treaty based upon a construction of an existing act of Congress, may be valid and the contract be construed as it was un-

derstood by the parties. But in this case neither the State of Kansas nor the defendant corporation were parties in the treaty, nor was it the purpose of the treaty, as amended, to confer any new right on these, or either of them. Nor do the words inserted, or the language of the treaty as amended, imply any intention to construe the act of Congress granting lands to that road. The act is not recited or referred to except inferentially. No doubt or question of its construction is raised or decided. If referred to at all, it is hypothetically, as "any law
217 granting lands to aid in constructing a railroad through said lands." Of course, if there was no such law this treaty did not undertake to make one.

3. But the force of this phrase in the treaty must rest on the third proposition I have suggested, namely, that it is a recognition of the act we have been considering as a grant of these lands. I have no hesitation in expressing my belief that the Senator, whoever he may have been, that suggested that amendment had in his mind the act which we have already construed, and that his purpose was to incorporate into the treaty a recognition of the validity of the grant, so that the treaty should not defeat it. There may have been in his mind—there probably was—a doubt of the right of Congress to make such a grant in the face of the treaty of 1825. The treaty now under consideration, originally presented to the Senate, provided for the sale of all these lands and for the disposition of all the money arising from such sales, in a manner inconsistent with such a grant. With these two treaties staring him in the face, he must have felt the doubt whether the grant, even if by its terms it had included these lands, would be upheld as valid. To remove the argument which might be drawn from this treaty as originally made, it was easy to induce the Senate and the Indians to recognize any right which may have been acquired by that act or any other which was an existing law when the treaty was ratified by the Senate. In con-
218 senting simply to this, the Senate would feel that no wrong was done, because no new right was conferred by or concealed in the amendment. At the same time, as the new words introduced designated no specified statute or law, the intention of the Senate was not, probably, directed to this particular statute. But, as no other law was then in existence, so far as is shown to us, which by remotest inference granted lands to aid in constructing a road through these lands, I must believe that the framer of the amendment had this one in his mind. The true intent and meaning of the clause in the mind of the Senate seems to have been this: that as the treaty directed all these lands to be sold, and made provision for the disposition of all the proceeds; and as it was suggested that there might be a railroad grant or grants which covered some of the lands thus directed to be sold, this provision was inserted to remove or prevent a conflict between the treaty and the statute, if any such existed. But this provision, intended to prevent the treaty from defeating the statute, if such existed, is now relied on to give the statute a construction which we have already said was forbidden by its own terms. Leaving out of the case the want of authority in the treaty-making power to construe statutes for the courts, and the improbability that the Senate would attempt in this mode to give
219 a construction to the act of Congress, it is clear that they did not intend to do this. They meant to say that this treaty shall not, by reason of its comprehensive terms in disposing of these lands, destroy existing rights. It recognizes existing laws, and *and* in the sale of these lands and disposal of the proceeds, existing laws shall be respected, if any exist appropriating any part of these lands. But it certainly did

not intend to declare what rights existed, or construe statutes on which rights might depend, or to create rights in that regard which did not exist independent of the treaty. As I have already expressed my clear conviction that the act of Congress did not grant any of these lands, but by express language excepted them out of the grant, I cannot give to this ambiguous phrase in the treaty, after conceding to it the meaning most favorable to defendants of which it is susceptable, the effect of creating a grant of these lands where none existed before.

These propositions, in my judgment, disposed of the case. They require that the patents issued by the United States for these lands be set aside, annuled, and held for naught, and that the defendants be decreed to have no title in any of the lands in question, and perpetually enjoined from asserting such title.

DILLON, *Circuit Judge:*

I fully concur in the conclusion reached in the foregoing opinion and in the reasons advanced to support it.

Decree accordingly.

220 UNITED STATES OF AMERICA,
District of Kansas, ss:

I, A. S. Thomas, clerk of the circuit court of the United States of America for the district of Kansas, do hereby certify the foregoing to be a true, full, and perfect copy from the record of all the proceedings had in said court in the case of The United States vs. Leavenworth, Lawrence and Galveston Railroad Company, No. 965. I further certify that the original maps and documents herewith transmitted were used as evidence on the trial of the cause in the record as per agreement and were ordered by the court to be sent up with the appeal to the Supreme Court of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at my office in Topeka, in said district of Kansas, this 26th day of September, A. D. 1874.

[SEAL.] A. S. THOMAS, *Clerk.*

(Indorsement on cover:) No. 676. The Leavénworth, Lawrence, and Galveston Railroad Company, appellant, vs. The United States. Kansas C. C. U. S. Filed 19th October, 1874.